

used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary or the Secretary of Health, Education, and Welfare, and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients of any grant under this chapter that are pertinent to any such grant.

(Pub. L. 91-596, § 25, Dec. 29, 1970, 84 Stat. 1615.)

REFERENCES IN TEXT

This chapter, referred to in text, was, in the original, this Act, meaning Pub. L. 91-596, Dec. 29, 1970, 84 Stat. 1590. For complete classification of this Act to the Code, see Short Title note set out under section 651 of this title and Tables volume.

§ 675. Annual reports by Secretary of Labor and Secretary of Health, Education, and Welfare; contents

Within one hundred and twenty days following the convening of each regular session of each Congress, the Secretary and the Secretary of Health, Education, and Welfare shall each prepare and submit to the President for transmittal to the Congress a report upon the subject matter of this chapter, the progress toward achievement of the purpose of this chapter, the needs and requirements in the field of occupational safety and health, and any other relevant information. Such reports shall include information regarding occupational safety and health standards, and criteria for such standards, developed during the preceding year; evaluation of standards and criteria previously developed under this chapter, defining areas of emphasis for new criteria and standards; an evaluation of the degree of observance of applicable occupational safety and health standards, and a summary of inspection and enforcement activity undertaken; analysis and evaluation of research activities for which results have been obtained under governmental and nongovernmental sponsorship; an analysis of major occupational diseases; evaluation of available control and measurement technology for hazards for which standards or criteria have been developed during the preceding year; description of cooperative efforts undertaken between Government agencies and other interested parties in the implementation of this chapter during the preceding year; a progress report on the development of an adequate supply of trained manpower in the field of occupational safety and health, including estimates of future needs and the efforts being made by Government and others to meet those needs; listing of all toxic substances in industrial usage for which labeling requirements, criteria, or standards have not yet been established; and such recommendations for additional legislation as are deemed necessary to protect the safety and health of the worker and improve the administration of this chapter.

(Pub. L. 91-596, § 26, Dec. 29, 1970, 84 Stat. 1615.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original, this Act, meaning Pub. L. 91-596, Dec. 29, 1970, 84 Stat. 1590. For complete classification of this Act to the Code, see Short Title note set out under section 651 of this title and Tables volume.

§ 676. Omitted

CODIFICATION

Section, Pub. L. 91-596, § 27, Dec. 29, 1970, 84 Stat. 1616, which provided for the establishment of a National Commission on State Workmen's Compensation Laws to make an effective study and evaluation of State workmen's compensation laws to determine whether such laws provide an adequate, prompt, and equitable system of compensation for injury or death, with a final report to be transmitted to President and Congress not later than July 31, 1972, ninety days after which the Commission ceased to exist, has been omitted from this Code as executed.

§ 677. Separability of provisions

If any provision of this chapter, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this chapter, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

(Pub. L. 91-596, § 32, Dec. 29, 1970, 84 Stat. 1619.)

REFERENCES IN TEXT

This chapter, referred to in text, was, in the original, this Act, meaning Pub. L. 91-596, Dec. 29, 1970, 84 Stat. 1590. For complete classification of this Act to the Code, see Short Title note set out under section 651 of this title and Tables volume.

§ 678. Authorization of appropriations

There are authorized to be appropriated to carry out this chapter for each fiscal year such sums as the Congress shall deem necessary.

(Pub. L. 91-596, § 33, Dec. 29, 1970, 84 Stat. 1620.)

REFERENCES IN TEXT

This chapter, referred to in text, was, in the original, this Act, meaning Pub. L. 91-596, Dec. 29, 1970, 84 Stat. 1590. For complete classification of this Act to the Code, see Short Title note set out under section 651 of this title and Tables volume.

CHAPTER 16—VOCATIONAL REHABILITATION AND OTHER REHABILITATION SERVICES

GENERAL PROVISIONS

Sec.

701. Congressional declaration of purpose.

702. Rehabilitation Service Administration.

(a) Establishment; appointment of Commissioner; principal officer and principal agency.

(b) Research; coordination and consultation.

(c) Expenditure of funds only for programs, personnel, and administration of programs carried out under this chapter.

703. Advance funding.

704. Joint funding.

705. Consolidated rehabilitation plan.

(a) Election by State; agency concurrence.

Sec.

- (b) Approval by Secretary of consolidated rehabilitation plan meeting statutory requirements; submission by State of separate rehabilitation plans.

- (c) Noncompliance; assistance termination procedures.

706. Definitions.

707. Allotment percentage.

- (a) Percentage limitation; promulgation and computation; "United States" defined.

- (b) Population determination.

708. Audit and examination of records; scope of disclosure; access to representatives.

709. Nonduplication prohibition.

SUBCHAPTER I—VOCATIONAL REHABILITATION SERVICES

PART A—GENERAL PROVISIONS

720. Federal grants.

- (a) Congressional declaration of purpose.
- (b) Authorization of appropriations.

721. State plans.

- (a) Annual State plans; general and specific requirements.
 - (1) State agency for plan administration, designation; separate agencies for services to the blind and for other services; joint program; political subdivision participation, waiver; qualification of State agency.
 - (2) State rehabilitation bureau; director; staff; major organization status; separate units for services to the blind and for other services.
 - (3) State financial participation.
 - (4) Political subdivision participation, waiver; regulations; funds of local agency for non-Federal share of cost of services.
 - (5) Plans, policies, and methods for execution, administration, and supervision of State plan; expansion and improvement of services; priorities in order of selection; achievement of outcome and service goals.
 - (6) Methods of administration; State employment requirement.
 - (7) Personnel standards; State licensure laws and regulations; minimum standards for facilities and personnel utilized in providing rehabilitation services.
 - (8) Consideration of eligibility for similar benefits under any other program.
 - (9) Individualized written rehabilitation program.
 - (10) Reports of State agency; form; scope of information; time of report; correction and verification.
 - (11) Intergovernmental cooperation.
 - (12) Community resources; utilization.
 - (13) Disabled Federal employees; disabled public safety officers.
 - (14) Residency requirement; prohibition.
 - (15) Continuing studies.
 - (16) Employment review and reevaluation.
 - (17) State facilities, construction, Federal share of construction costs; general grant and contract requirements applicable; nonreduction of other rehabilitation services.
 - (18) Policy planning; trainee participation.
 - (19) Amendments; continuing studies and annual evaluation as basis.

Sec.

- (b) Approval or disapproval by Secretary; notice and hearing.

- (c) Noncompliance; payment limitation.

- (d) Judicial review; venue; record; agency action provisions applicable.

722. Individualized written rehabilitation program.

- (a) Joint development by counselor or coordinator and handicapped individual; goods and services for handicapped individual; terms and conditions, rights and remedies.

- (b) Annual review; joint redevelopment of terms; scope of program.

- (c) Determination and achievement of vocational goal; decision respecting potential and capability of achievement; annual review of decision.

723. Scope of vocational rehabilitation services.

- (a) Individual services.

- (b) Group services.

724. Non-Federal share for construction.

PART B—BASIC VOCATIONAL REHABILITATION SERVICES

730. State allotments.

- (a) Computation; minimum amount; adjustments.
- (b) Additional payments; authorization of additional appropriations.
- (c) Unused funds; redistribution; increase in amount.

731. Payment to States.

- (a) Amount.
- (b) Method of computation and payment.

732. Client assistance.

- (a) Amount of assistance for regional pilot projects; duties of counselors.
- (b) Regulations; requirements.
 - (1) Employment or benefit duplication.
 - (2) Access to policymaking and administrative personnel.
 - (3) Annual reports; summary of accomplishments; statistical tabulation of cases; submittal to Congressional committees.
 - (4) Graduate student services.
 - (5) Availability of adequate services; availment of such services without discouragement.
 - (6) State agency for project funding, administration, and operation.

PART C—INNOVATION AND EXPANSION GRANTS

740. State allotments.

- (a) Computation; minimum amount; adjustments.
- (b) Unused funds; redistribution; increase in amount.

741. Payments to States.

- (a) Cost of planning, preparing for, and initiating special programs; prior approval of Secretary or State agency for certain expenditures.
- (b) Duration; period of availability; limitation; non-Federal share.
- (c) Advances; reimbursement; conditions.

PART D—COMPREHENSIVE SERVICE NEEDS

750. Special study, research, and demonstrations.

- (a) Statement of objectives; intergovernmental coordination of programs.
- (b) Report to Congress and President.

SUBCHAPTER II—RESEARCH AND TRAINING

760. Congressional declaration of purpose.

761. Authorization of appropriations.

Sec.

762. Research.

- (a) Federal grants and contracts for certain research projects and related activities.
- (b) Federal grants for specialized research activities.
 - (1) Rehabilitation Research and Training Centers; establishment.
 - (2) Rehabilitation Engineering Research Centers; establishment.
 - (3) Spinal cord injury research.
 - (4) End-stage renal disease research; prohibition against participation of persons eligible for services under other provisions of law.
 - (5) International rehabilitation research and development.
- (c) General grant and contract requirements applicable.

763. Training.

- (a) Federal grants and contracts for personnel projects relating to training, traineeships, and related activities.
- (b) Balanced program of assistance meeting needs of public and private rehabilitation programs and institutions; description of projects and fields contributing to rehabilitation of handicapped individuals; study period limitation.

764. Annual report to Congress; coverage of research and training activities.

SUBCHAPTER III—SPECIAL FEDERAL RESPONSIBILITIES

770. Congressional declaration of purpose.

771. Grants for construction of rehabilitation facilities, initial staffing, and planning assistance.

- (a) Authorization of appropriations; period of availability of moneys.
- (b) Rehabilitation facilities construction grants; applications for assistance; general grant and contract requirements applicable; amount.
- (c) Staffing grants; amount.
- (d) Planning grants.

772. Vocational training services for handicapped individuals.

- (a) Authorization of appropriations.
- (b) Grants; authority of Secretary; individual allowances; factors and limitations; conditions.
- (c) Operation grants; buildings' use prohibition.

773. Mortgage insurance for rehabilitation facilities.

- (a) Statement of purpose.
- (b) Definitions.
- (c) Authority of Secretary; amount; terms and conditions; commitment date; Federal tax exemption of interest.
- (d) Conditions.
- (e) Premium and appraisal charges; annual payment in advance; limitation.
- (f) Release of property from lien; terms and conditions.
- (g) Functions, powers, and duties of Secretary; formal delegation agreement for delegation of functions; rental housing insurance provisions applicable.
- (h) Rehabilitation Facilities Insurance Fund; establishment; revolving fund; charges for general operational expenses of Rehabilitation Services Administration relating to insured mortgages; deposit in Treasury or investment of unused funds; debentures, purchase authority; credits and debits; authorization of appropriations; total mortgage insurance limitation.

Sec.

774. Special projects and demonstrations.

- (a) Authorization of appropriations.
- (b) Severely handicapped individuals, persons with spinal cord injuries, older blind individuals, and dead individuals; regional system of multidisciplinary services for spinal cord injuries.
- (c) Handicapped migratory agricultural workers and seasonal farmworkers, and their families.
- (d) Employment programs; contract authority.
- (e) Technical assistance; compensation and travel expenses.

775. Helen Keller National Center for Deaf-Blind Youths and Adults.

- (a) Authorization of appropriations.
- (b) Statement of purposes; agreement for establishment and operation; designation.
- (c) Proposals; preference.

776. General grant and contract requirements.

- (a) Applicability of provisions; compliance with provisions, exceptions.
- (b) Construction project requirements; assurances; use of funds for intended purposes; report to Congress; plans and specifications; labor standards.
- (c) Reservation of grant funds; additional payments.
- (d) Recovery of Federal share upon cessation of public or nonprofit character of facilities.
- (e) Payments; adjustments for overpayments or under payments; advances; reimbursements; installments; conditions.
- (f) Workshops; residential accommodations.
- (g) Sectarian activities; funds prohibition.
- (h) Execution of direct services to handicapped individuals.
- (i) State agency commentary on grant or contract.

SUBCHAPTER IV—ADMINISTRATION AND PROGRAM AND PROJECT EVALUATION

780. Administration.

- (a) Technical assistance to States; short-term traineeships; limitation of training or instruction period; specialized fields; information dissemination; promotion of rehabilitation and employment of handicapped individuals.
- (b) Rules and regulations; publication in Federal Register; delegation of powers and duties.
- (c) Investigative authority of Secretary.
- (d) Department of Health, Education, and Welfare appropriation; inclusion of sums for administration of chapter.
- (e) Disabled veterans; program coordination.

781. Program and project evaluation.

- (a) Statement of purpose; persons eligible for conducting evaluations; duties of Secretary; reports to Congressional committees.
- (b) General evaluation standards; development and publication; renewal or supplementation of financial assistance; description in reports of action taken.
- (c) Program participants' views.
- (d) Evaluative research results and summaries; publication; transmittal to Congressional committees.
- (e) Property of United States.

- Sec.
 782. Obtaining information from Federal agencies.
 783. Authorization of appropriations.
 784. Reports to President and Congress; contents: statistical data, specific distinguishment of services, and detailed evaluation of subchapter 1 services.
 785. Secretarial responsibilities.
 (a) Comprehensive services, long-range projection: submittal to Congress; analysis of program operation; coordinated and cooperative planning; utilization of engineering and other scientific research in described areas; information clearinghouse.
 (b) Personnel selection.
 (c) Delegation of functions restriction; Office for Handicapped Individuals in office of appropriate Assistant Secretary; establishment.
 (d) Authorization of appropriations.
 (e) Funds, availability; notification of Congressional committees.
 786. Sheltered workshop study.
 (a) Original study; wage payments; guidelines.
 (b) Site visits; interviews; consultations.
 (c) Conflict of interests.
 (d) Report to Congress.
 787. State allocation study; report to Congress.

SUBCHAPTER V—MISCELLANEOUS PROVISIONS

790. Existing law affected; references in other provisions; availability of unexpended appropriations; savings provision; extension of appropriations.
 791. Employment of handicapped individuals.
 (a) Interagency Committee on Handicapped Employees; establishment; membership; co-chairmen; availability of other Committee resources; purpose and functions.
 (b) Federal agencies; affirmative action program plans.
 (c) State agencies; rehabilitated individuals, employment.
 (d) Report to Congressional committees.
 (e) Federal work experience without pay; non-Federal status.
 (f) Federal agency cooperation; special consideration for positions on President's Committee on Employment of the Handicapped.
 792. Architectural and Transportation Barriers Compliance Board.
 (a) Establishment; membership; chairman; appointment of Consumer Advisory Panel.
 (b) Functions.
 (c) Additional functions; transportation barriers and housing needs; transportation and housing plans and proposals.
 (d) Investigations; hearings; orders; administrative procedure applicable; final orders.
 (e) Appointment of executive director; hearing examiners, and other personnel; provisions applicable.
 (f) Technical, administrative, or other assistance; appointment, compensation, and travel expenses of advisory and technical experts and consultants.
 (g) Reports to Congress; final reports on transportation barriers and housing needs.
 (h) Authorization of appropriations.

- Sec.
 793. Employment under Federal contracts.
 (a) Amount of contracts or subcontracts; provision for employment and advancement of qualified handicapped individuals; regulations.
 (b) Administrative enforcement; complaints; investigations; departmental action.
 (c) Waiver by President; national interest special circumstances for waiver of particular agreements.
 794. Nondiscrimination under Federal grants.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 5 section 8104; title 20 sections 107a, 107d-4; title 21 section 1173; title 22 section 2102; title 38 section 2014; title 42 sections 303, 421, 422, 603, 1203, 1353, 1382d, 3024, 6005.

GENERAL PROVISIONS

§ 701. Congressional declaration of purpose

The purpose of this chapter is to provide a statutory basis for the Rehabilitation Services Administration, and to authorize programs to—

(1) develop and implement comprehensive and continuing State plans for meeting the current and future needs for providing vocational rehabilitation services to handicapped individuals and to provide such services for the benefit of such individuals, serving first those with the most severe handicaps, so that they may prepare for and engage in gainful employment;

(2) evaluate the rehabilitation potential of handicapped individuals;

(3) conduct a study to develop methods of providing rehabilitation services to meet the current and future needs of handicapped individuals for whom a vocational goal is not possible or feasible so that they may improve their ability to live with greater independence and self-sufficiency;

(4) assist in the construction and improvement of rehabilitation facilities;

(5) develop new and innovative methods of applying the most advanced medical technology, scientific achievement, and psychological and social knowledge to solve rehabilitation problems and develop new and innovative methods of providing rehabilitation services to handicapped individuals through research, special projects, and demonstrations;

(6) initiate and expand services to groups of handicapped individuals (including those who are homebound or institutionalized) who have been underserved in the past;

(7) conduct various studies and experiments to focus on long neglected problem areas;

(8) promote and expand employment opportunities in the public and private sectors for handicapped individuals and to place such individuals in employment;

(9) establish client assistance pilot projects;

(10) provide assistance for the purpose of increasing the number of rehabilitation personnel and increasing their skills through training; and

(11) evaluate existing approaches to architectural and transportation barriers confronting handicapped individuals, develop new such approaches, enforce statutory and regulatory standards and requirements regarding

barrier-free construction of public facilities and study and develop solutions to existing architectural and transportation barriers impeding handicapped individuals.

(Pub. L. 93-112, § 2, Sept. 26, 1973, 87 Stat. 357.)

CODIFICATION

The content of Pub. L. 93-516, Dec. 7, 1974, 88 Stat. 1617, including provisions thereof which amended various sections of this chapter and enacted provisions set out as notes under this section, was originally contained in H.R. 14225, 93rd Congress, Second Session, which was pocket-vetoed during the 31-day intrasession adjournment of the 93rd Congress for the Congressional elections in November, 1974.

Pursuant to an order of the United States District Court for the District of Columbia (*Kennedy v. Jones*, D.C.D.C. 1976, 412 F.Supp. 353), H.R. 14225 was deemed to have become law without the approval of the President on Nov. 21, 1974, and was given the designation Pub. L. 93-651. Therefore, for purposes of codification, this chapter should be deemed to have been amended by Pub. L. 93-651, Nov. 21, 1974, 89 Stat. 2-3, in exactly the same manner as it was amended by Pub. L. 93-516, Dec. 7, 1974, 88 Stat. 1617.

PRIOR PROVISIONS

Prior similar provisions were set out in section 31 of this title.

SHORT TITLE OF 1976 AMENDMENT

Pub. L. 94-230, § 1, Mar. 15, 1976, 90 Stat. 211, provided that: "This Act [amending sections 720(b)(1) and (2), 732(a), 741(b), 761(a)(1) and (2), 771(a), 772(a), 774(a)(1), 775(a), 783, 785(d), and 792(h) of this title and enacting provisions set out as a note under section 720 of this title] may be cited as the 'Rehabilitation Act Extension of 1976'."

SHORT TITLE OF 1974 AMENDMENT

Pub. L. 93-516, title I, § 100, Dec. 7, 1974, 88 Stat. 1617, provided that: "This title [amending sections 702, 706, 720 to 722, 732, 741, 750, 761, 762, 771, 772, 774 to 776, 783, 785, and 792 of this title and enacting provisions set out as a note under section 702 of this title] shall be known as the 'Rehabilitation Act Amendments of 1974'."

An identical provision is contained in Pub. L. 93-651, title I, § 100, Nov. 21, 1974, 88 Stat. 1617. See Codification note above.

SHORT TITLE

Section 1 of Pub. L. 93-112 provided that Pub. L. 93-112, which enacted this chapter and repealed sections 31 to 41c and 42-1 to 42b of this title, may be cited as the "Rehabilitation Act of 1973".

WHITE HOUSE CONFERENCE ON HANDICAPPED INDIVIDUALS

Pub. L. 93-516, title III, §§ 300-306, Dec. 7, 1974, 88 Stat. 1631-1634, as amended by Pub. L. 94-224, § 1, 2, Feb. 27, 1976, 90 Stat. 201, provided that:

"Sec. 300. This title may be cited as the 'White House Conference on Handicapped Individuals Act'."

"Sec. 301. The Congress finds that—

"(1) the United States has achieved great and satisfying success in making possible a better quality of life for a large and increasing percentage of our population;

"(2) the benefits and fundamental rights of this society are often denied those individuals with mental and physical handicaps;

"(3) there are seven million children and at least twenty-eight million adults with mental or physical handicaps;

"(4) it is of critical importance to this Nation that equality of opportunity, equal access to all aspects of society and equal rights guaranteed by the Constitu-

tion of the United States be provided to all individuals with handicaps;

"(5) the primary responsibility for meeting the challenge and problems of individuals with handicaps has often fallen on the individual or his family;

"(6) it is essential that recommendations be made to assure that all individuals with handicaps are able to live their lives independently and with dignity, and that the complete integration of all individuals with handicaps into normal community living, working, and service patterns be held as the final objective; and

"(7) all levels of Government must necessarily share responsibility for developing opportunities for individuals with handicaps;

and it is therefore the policy of the Congress that the Federal Government work jointly with the States and their citizens to develop recommendations and plans for action in solving the multifold problems facing individuals with handicaps.

"Sec. 302. (a) The President is authorized to call a White House Conference on Handicapped Individuals not later than three years from the date of enactment of this title [Dec. 7, 1974] in order to develop recommendations and stimulate a national assessment of problems, and solutions to such problems, facing individuals with handicaps. Such a conference shall be planned and conducted under the direction of the National Planning and Advisory Council, established pursuant to subsection (b) of this section, and the Secretary of Health, Education, and Welfare (hereinafter referred to as the 'Secretary') and each Federal department and agency shall provide such cooperation and assistance to the Council, including the assignment of personnel, as may reasonably be required by the Secretary.

"(b)(1) There is established a National Planning Advisory Council (in this title referred to as the 'Council'), appointed by the Secretary, composed of twenty-eight members of whom not less than ten shall be individuals with handicaps appointed to represent all individuals with handicaps, and five shall be parents of individuals with handicaps appointed to represent all such parents and individuals. The Council shall provide guidance and planning for the Conference.

"(2) Any member of the Council who is otherwise employed by the Federal Government shall serve without compensation in addition to that received in his regular employment.

"(3) Members of the Council, other than those referred to in paragraph (1), shall receive compensation at rates not to exceed the daily rate prescribed for GS-18 under section 5332, title 5, United States Code, for each day they are engaged in the performance of their duties (including traveltime); and, while so serving away from their homes or regular places of business, they shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703, title 5, United States Code, for persons in Government service employed intermittently.

"(4) Such Council shall cease to exist one-hundred and twenty days after the submission of the final report required by section 302(e) [subsec. (e) of this section].

"(c) For the purpose of ascertaining facts and making recommendations concerning the utilization of skills, experience, and energies, and the improvement of the conditions of individuals with handicaps, the Conference shall bring together individuals with handicaps and members of their families and representatives of Federal, State, and local governments, professional experts, and members of the general public recognized by individuals with handicaps as being knowledgeable about problems affecting their lives.

"(d) Participants in the White House Conference, and in conferences and other activities leading up to the White House Conference at the local and State level are authorized to consider all matters related to the purposes of the Conference set forth in subsection

(a), but shall give special consideration to recommendations for:

"(1) providing education, health, and diagnostic services for all children early in life so that handicapping conditions may be discovered and treated;

"(2) assuring that every individual with a handicap receives appropriately designed benefits of the educational system;

"(3) assuring that individuals with handicaps have available to them all special services and assistance which will enable them to live their lives as fully and independently as possible;

"(4) enabling individuals with handicaps to have access to usable communication services and devices at costs comparable to other members of the population;

"(5) assuring that individuals with handicaps will have maximum mobility to participate in all aspects of society, including access to all publicly-assisted transportation services and, when necessary, alternative means of transportation at comparable cost;

"(6) improving utilization and adaptation of modern engineering and other technology to ameliorate the impact of handicapping conditions on the lives of individuals and especially on their access to housing and other structures;

"(7) assuring individuals with handicaps of equal opportunity with others to engage in gainful employment;

"(8) enabling individuals with handicaps to have incomes sufficient for health and for participation in family and community life as self-respecting citizens;

"(9) increasing research relating to all aspects of handicapping conditions, stressing the elimination of causes of handicapping conditions and the amelioration of the effects of such conditions;

"(10) assuring close attention and assessment of all aspects of diagnosis and evaluation of individuals with handicaps;

"(11) assuring review and evaluation of all governmental programs in areas affecting individuals with handicaps, and a close examination of the public role in order to plan for the future;

"(12) resolving the special problems of veterans with handicaps;

"(13) resolving the problems of public awareness and attitudes that restrict individuals with handicaps from participating in society to their fullest extent;

"(14) resolving the special problems of individuals with handicaps who are homebound or institutionalized;

"(15) resolving the special problems of individuals with handicaps who have limited English-speaking ability;

"(16) allotting funds for basic vocational rehabilitation services under part B of title I of the Rehabilitation Act of 1973 [sections 730 to 732 of this title]; in a fair and equitable manner in consideration of the factors set forth in section 407(a) of such Act [section 787 of this title]; and

"(17) promoting other related matters for individuals with handicaps.

"(e) A final report of the White House Conference on Handicapped Individuals shall be submitted by the Council to the President not later than one hundred and twenty days following the date on which the conference is called, and the findings and recommendations included therein shall be immediately made available to the public. The Council and the Secretary shall, within ninety days after the submission of such final reports, transmit to the President and the Congress their recommendations for administrative action and legislation necessary to implement the recommendations contained in such report.

"Sec. 303. (a) In carrying out the provisions of this title, the Council and the Secretary shall—

"(1) request the cooperation and assistance of such other Federal departments and agencies as may be appropriate, including Federal advisory bodies having responsibilities in areas affecting individuals with handicaps;

"(2) render all reasonable assistance, including financial assistance, to the States in enabling them to organize and conduct conferences on handicapped individuals prior to the White House Conference on Handicapped Individuals;

"(3) prepare and make available necessary background materials for the use of delegates to the White House Conference on Handicapped Individuals;

"(4) prepare and distribute such interim reports of the White House Conference on Handicapped Individuals as may be appropriate; and

"(5) engage such individuals with handicaps and additional personnel as may be necessary without regard to the provisions of title 5, United States Code, governing appointments in the competitive civil service, and without regard to chapter 57 [51] and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates of pay not to exceed the rate prescribed for GS-18 under section 5332 of such title.

"(b) In carrying out the provisions of this title, the Secretary shall employ individuals with handicaps.

"Sec. 304. For the purpose of this title, the term 'State' includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"Sec. 305. (a) From the sums appropriated pursuant to section 306 the Secretary is authorized to make a grant to each State, upon application of the chief executive thereof, in order to assist in meeting the costs of that State's participation in the Conference program, including the conduct of at least one conference within each such State.

"(b) Grants made pursuant to subsection (a) shall be made only with the approval of the Council.

"(c) Funds appropriated for the purposes of this subsection shall be apportioned among the States by the Secretary in accordance with their respective needs for assistance under this subsection, except that no State shall be apportioned more than \$25,000 nor less than \$10,000.

"Sec. 306. There are authorized to be appropriated, without fiscal year limitations, \$2,000,000 to carry out the provisions of this title and such additional sums as may be necessary to carry out section 305. Sums so appropriated shall remain available for expenditure until September 30, 1978."

Provisions identical to those found in sections 300 to 306 of Pub. L. 93-516 as originally enacted are contained in sections 300 to 306 of Pub. L. 93-651.

EX. ORD. NO. 11758. DELEGATION OF AUTHORITY OF THE PRESIDENT

Ex. Ord. No. 11758, Jan. 15, 1974, 39 F.R. 2075, as amended by Ex. Ord. No. 11784, May 30, 1974, 39 F.R. 19443; Ex. Ord. No. 11867, June 19, 1975, 40 F.R. 26253, provided:

By virtue of the authority vested in me by section 301 of title 3 of the United States Code and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. The Director of the Office of Management and Budget is hereby designated and empowered to exercise, without approval, ratification, or other action of the President, the authority of the President under section 500(a) of the Rehabilitation Act of 1973 (87 Stat. 390, 29 U.S.C. 790) with respect to the transfer of unexpended appropriations.

SEC. 2. The Secretary of Labor is hereby designated and empowered to exercise, without approval, ratification, or other action of the President, the authority of the President (1) under section 503(a) of the Rehabilitation Act of 1973 [section 793(a) of this title] to prescribe regulations, after consultation with the Secretary of Defense and the Administrator of General Services, with respect to the employment of qualified handicapped individuals under Federal procurement contracts, and (2) under section 503(c) of that act [section 793c of this title] with respect to prescribing, by

regulation, guidelines for waiving the requirements of section 503 of the act [section 793 of this title]. Changes in any regulations prescribed by the Secretary pursuant to the preceding sentence shall be made only after consultation with the Secretary of Defense and the Administrator of General Services.

Sec. 3. The head of a Federal agency may, in conformity with the provisions of section 503(c) of the Rehabilitation Act of 1973 [section 793(c) of this title], and regulations issued by the Secretary of Labor pursuant to section 2 of this order, exempt any contract and, following consultation with the Secretary of Labor, any class of contracts, from the requirements of section 503 of the act [section 793 of this title].

Sec. 4. The Federal Procurement Regulations, the Armed Services Procurement Regulations, and, to the extent necessary, any supplemental or comparable regulation issued by any agency of the executive branch shall, following consultation with the Secretary of Labor, be amended to require, as a condition of entering into, renewing or extending any contract subject to the provisions of section 503 of the Rehabilitation Act of 1973 [section 793 of this title], inclusion of a provision requiring compliance with that section and regulations issued by the Secretary pursuant to section 2 of this order.

RICHARD NIXON.

§ 702. Rehabilitation Services Administration

(a) Establishment; appointment of Commissioner; principal officer and principal agency

There is established in the Office of the Secretary a Rehabilitation Services Administration which shall be headed by a Commissioner (hereinafter in this chapter referred to as the "Commissioner") appointed by the President by and with the advice and consent of the Senate. Except for subchapters IV and V of this chapter and as otherwise specifically provided in this chapter, such Administration shall be the principal agency, and the Commissioner shall be the principal officer, of such Department for carrying out this chapter. In the performance of his functions, the Commissioner shall be directly responsible to the Secretary or to the Under Secretary or an appropriate Assistant Secretary of such Department, as designated by the Secretary. The functions of the Commissioner shall not be delegated to any officer not directly responsible, both with respect to program operation and administration, to the Commissioner.

(b) Research; coordination and consultation

The Secretary, through the Commissioner in coordination with other appropriate programs in the Department of Health, Education, and Welfare, in carrying out research under this chapter shall establish the expertise and technological competence to, and shall, in consultation with, the National Science Foundation and the National Academy of Sciences develop and support, and stimulate the development and utilization (including production and distribution of new and existing devices) of, innovative methods of applying advanced medical technology, scientific achievement, and psychological and social knowledge to solve rehabilitation problems, and be responsible for carrying out the activities described in section 762(b)(2) of this title.

(c) Expenditure of funds only for programs, personnel, and administration of programs carried out under this chapter

The Secretary shall take whatever action is necessary to insure that funds appropriated pursuant to this chapter, as well as unexpended appropriations for carrying out the Vocational Rehabilitation Act, are expended only for the programs, personnel, and administration of programs carried out under this chapter.

(Pub. L. 93-112, § 3, Sept. 26, 1973, 87 Stat. 357; Pub. L. 93-516, title I, § 101(a), Dec. 7, 1974, 88 Stat. 1617; Pub. L. 93-651, title I, § 101(a), Nov. 21, 1974, 89 Stat. 2-3.)

REFERENCES IN TEXT

Vocational Rehabilitation Act, referred to in subsec. (c), is act June 2, 1920, ch. 219, 41 Stat. 735, which was classified generally to chapter 4 (§ 31 et seq.) of this title and was repealed by section 500(a) of the Rehabilitation Act of 1973, Pub. L. 93-112, Sept. 26, 1973, 87 Stat. 357. The Rehabilitation Act of 1973 is classified generally to this chapter. Section 500(a), classified to section 790 of this title, provided in part that references to the Vocational Rehabilitation Act in any other provision of law be deemed references to the Rehabilitation Act of 1973.

CODIFICATION

For history of Pub. L. 93-651, which enacted amendments identical to Pub. L. 93-516, see Codification note set out under section 701 of this title.

AMENDMENTS

1974—Subsec. (a). Pub. L. 93-516 substantially reenacted existing provisions, and in subsec. (a) as so reenacted, substituted reference to Office of the Secretary for reference to the Department of Health, Education, and Welfare, added requirement that the appointment of Commissioner be approved by the Senate, added provisions that the Commissioner shall be the principal officer of the Department for carrying out provisions of this chapter, that the Commissioner shall be directly responsible to the Secretary, Under Secretary, or Assistant Secretary, as the case may be, and that the functions of the Commissioner shall not be delegated to any officer not directly responsible to the Commissioner both with respect to program operation and administration, and struck out provisions relating to the procedure for delegation of functions of the Commissioner to other officers.

Pub. L. 93-651 amended subsec. (a) in exactly the same manner as it was amended by Pub. L. 93-516.

EFFECTIVE DATE OF 1974 AMENDMENT

Section 101(b) of Pub. L. 93-516 provided that: "The amendment made by subsection (a) of this section [amending subsec. (a) of this section] shall be effective sixty days after the date of enactment of this Act [Dec. 7, 1974]."

An identical provision is contained in section 101(b) of Pub. L. 93-651.

ADDITIONAL PERSONNEL FOR OFFICE FOR THE BLIND AND VISUALLY HANDICAPPED

Section 208(a) of Pub. L. 93-516 provided that: "The Secretary of Health, Education, and Welfare is directed to assign to the Office for the Blind and Visually Handicapped of the Rehabilitation Services Administration of the Department of Health, Education, and Welfare ten additional full-time personnel (or their equivalent), five of whom shall be supportive personnel, to carry out duties related to the administration of the Randolph-Sheppard Act [section 107 et seq. of Title 20, Education]."

An identical provision is contained in section 208(a) of Pub. L. 93-651.

PREFERENCE TO BLIND IN SELECTING PERSONNEL

Section 208(c) of Pub. L. 93-516 provided that: "In selecting personnel to fill any position under this section [authorizing assignment of 11 additional full-time personnel to the Office for the Blind and Visually Handicapped of the Rehabilitation Service Administration of the Department of Health, Education, and Welfare under subsecs. (a) and (b) of Pub. L. 93-516], the Secretary of Health, Education, and Welfare shall give preference to blind individuals."

An identical provision is contained in section 208(c) of Pub. L. 93-651.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 38 sections 1904, 4101.

§ 703. Advance funding

(a) For the purpose of affording adequate notice of funding available under this chapter, appropriations under this chapter are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

(b) In order to effect a transition to the advance funding method of timing appropriation action, the authority provided by subsection (a) of this section shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

(Pub. L. 93-112, § 4, Sept. 26, 1973, 87 Stat. 358.)

§ 704. Joint funding

Pursuant to regulations prescribed by the President, and to the extent consistent with the other provisions of this chapter, where funds are provided for a single project by more than one Federal agency to an agency or organization assisted under this chapter, the Federal agency principally involved may be designated to act for all in administering the funds provided, and, in such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each agency. When the principal agency involved is the Rehabilitation Services Administration, it may waive any grant or contract requirement (as defined by such regulations) under or pursuant to any law other than this chapter, which requirement is inconsistent with the similar requirements of the administering agency under or pursuant to this chapter.

(Pub. L. 93-112, § 5, Sept. 26, 1973, 87 Stat. 359.)

DELEGATION OF AUTHORITY TO ISSUE JOINT FUNDING REGULATIONS

Authority of the President under this section delegated to the Administrator of General Services, see section 3 of Ex. Ord. No. 11867, June 19, 1975 40 F.R. 26253, set out as a note under section 4252 of Title 42, The Public Health and Welfare, and policy functions transferred to Director of Office of Management and Budget by section 1 of Ex. Ord. No. 11893, Dec. 31, 1975, 41 F.R. 1040, set out as a note under section 4252 of Title 42.

§ 705. Consolidated rehabilitation plan

(a) Election by State; agency concurrence

In order to secure increased flexibility to respond to the varying needs and local conditions

within the State, and in order to permit more effective and interrelated planning and operation of its rehabilitation programs, the State may submit a consolidated rehabilitation plan which includes the State's plan under section 721(a) of this title and its program for persons with developmental disabilities under the Developmental Disabilities Services and Facilities Construction Amendments of 1970: *Provided*, That the agency administering such State's program under such Act concurs in the submission of such a consolidated rehabilitation plan.

(b) Approval by Secretary of consolidated rehabilitation plan meeting statutory requirements; submission by State of separate rehabilitation plans

Such a consolidated rehabilitation plan must comply with, and be administered in accordance with, all the requirements of this chapter and the Developmental Disabilities Services and Facilities Construction Amendments of 1970. If the Secretary finds that all such requirements are satisfied, he may approve the plan to serve in all respects as the substitute for the separate plans which would otherwise be required with respect to each of the programs included therein, or he may advise the State to submit separate plans for such programs.

(c) Noncompliance; assistance termination procedures

Findings of noncompliance in the administration of an approved consolidated rehabilitation plan, and any reductions, suspensions, or terminations of assistance as a result thereof, shall be carried out in accordance with the procedures set forth in subsections (c) and (d) of section 721 of this title.

(Pub. L. 93-112, § 6, Sept. 26, 1973, 87 Stat. 359.)

REFERENCES IN TEXT

The Developmental Disabilities Services and Facilities Construction Amendments of 1970, referred to in subsecs. (a) and (b), is Pub. L. 91-517, Oct. 30, 1970, 84 Stat. 1316, which enacted sections 2661a, 2666, and 2670 to 2677c of Title 42, The Public Health and Welfare, amended sections 2661, 2662 to 2665, 2691, and 2693 to 2696 of Title 42, enacted provisions set out as a note under section 2670 of Title 42, and amended provisions set out as a note under section 2661 of Title 42. For complete classification of this Act to the Code, see Short Title of 1970 Amendment note, set out under section 2670 of Title 42 and Tables volume.

§ 706. Definitions

For the purposes of this chapter:

(1) The term "construction" means the construction of new buildings, the acquisition, expansion, remodeling, alteration, and renovation of existing buildings, and initial equipment of such buildings, and the term "cost of construction" includes architects' fees and acquisition of land in connection with construction but does not include the cost of offsite improvements.

(2) The term "criminal act" means any crime, including an act, omission, or possession under the laws of the United States or a State or unit of general local government which poses a substantial threat of personal injury, notwithstanding that by reason of age, insanity, intoxication or otherwise the person engaging in the act, omission, or possession was legally incapable of committing a crime.

(3) The term "establishment of a rehabilitation facility" means the acquisition, expansion, remodeling, or alteration of existing buildings necessary to adapt them to rehabilitation facility purposes or to increase their effectiveness for such purposes (subject, however, to such limitations as the Secretary may determine, in accordance with regulations he shall prescribe, in order to prevent impairment of the objectives of, or duplication of, other Federal laws providing Federal assistance in the construction of such facilities), and the initial equipment for such buildings, and may include the initial staffing thereof.

(4) The term "evaluation of rehabilitation potential" means, as appropriate in each case:

(A) a preliminary diagnostic study to determine that the individual has a substantial handicap to employment, and that vocational rehabilitation services are needed;

(B) a diagnostic study consisting of a comprehensive evaluation of pertinent medical, psychological, vocational, educational, cultural, social, and environmental factors which bear on the individual's handicap to employment and rehabilitation potential including, to the degree needed, an evaluation of the individual's personality, intelligence level, educational achievements, work experience, vocational aptitudes and interests, personal and social adjustments, employment opportunities, and other pertinent data helpful in determining the nature and scope of services needed;

(C) an appraisal of the individual's patterns of work behavior and ability to acquire occupational skill, and to develop work attitudes, work habits, work tolerance, and social and behavior patterns suitable for successful job performance, including the utilization of work, simulated or real, to assess and develop the individual's capacities to perform adequately in a work environment;

(D) any other goods or services provided for the purpose of ascertaining the nature of the handicap and whether it may reasonably be expected that the individual can benefit from vocational rehabilitation services;

(E) referral;

(F) the administration of these evaluation services; and

(G)(i) the provision of vocational rehabilitation services to any individual for a total period not in excess of eighteen months for the purpose of determining whether such individual is a handicapped individual, a handicapped individual for whom a vocational goal is not possible or feasible (as determined in accordance with section 722(c) of this title), or neither such individual; and (ii) an assessment, at least once in every ninety-day period during which such services are provided, of the results of the provision of such services to an individual to ascertain whether any of the determinations described in subclause (i) may be made.

(5) The term "Federal share" means 80 per centum, except that it shall mean 90 per centum for the purposes of part C of subchapter I of this chapter and as specifically set forth in section 771(b)(3) of this title: *Provided*, That with respect to payments pursuant to part

B of subchapter I of this chapter to any State which are used to meet the costs of construction of those rehabilitation facilities identified in section 723(b)(2) of this title in such State, the Federal share shall be the percentages determined in accordance with the provisions of section 771(b)(3) of this title applicable with respect to that State and that, for the purpose of determining the non-Federal share with respect to any State, expenditures by a political subdivision thereof or by a local agency shall, subject to such limitations and conditions as the Secretary shall by regulation prescribe, be regarded as expenditures by such State.

(6) The term "handicapped individual" means any individual who (A) has a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment and (B) can reasonably be expected to benefit in terms of employability from vocational rehabilitation services provided pursuant to subchapters I and III of this chapter. For the purposes of subchapters IV and V of this chapter, such term means any person who (A) has a physical or mental impairment which substantially limits one or more of such person's major life activities, (B) has a record of such an impairment, or (C) is regarded as having such an impairment.

(7) The term "local agency" means an agency of a unit of general local government or of an Indian tribal organization (or combination of such units or organizations) which has an agreement with the State agency designated pursuant to section 721(a)(1) of this title to conduct a vocational rehabilitation program under the supervision of such State agency in accordance with the State plan approved under section 721 of this title. Nothing in the preceding sentence of this paragraph or in section 721 of this title shall be construed to prevent the local agency from utilizing another local public or nonprofit agency to provide vocational rehabilitation services: *Provided*, That such an arrangement is made part of the agreement specified in this paragraph.

(8) The term "nonprofit", when used with respect to a rehabilitation facility, means a rehabilitation facility owned and operated by a corporation or association, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual and the income of which is exempt from taxation under section 501(c)(3) of title 26.

(9) The term "public safety officer" means a person serving the United States or a State or unit of general local government, with or without compensation, in any activity pertaining to—

(A) the enforcement of the criminal laws, including highway patrol, or the maintenance of civil peace by the National Guard or the Armed Forces,

(B) a correctional program, facility, or institution where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers, or parolees,

(C) a court having criminal or juvenile delinquent jurisdiction where the activity is potentially dangerous because of contact with

criminal suspects, defendants, prisoners, probationers, or parolees, or

(D) firefighting, fire prevention, or emergency rescue missions.

(10) The term "rehabilitation facility" means a facility which is operated for the primary purpose of providing vocational rehabilitation services to handicapped individuals, and which provides singly or in combination one or more of the following services for handicapped individuals: (A) vocational rehabilitation services which shall include, under one management, medical, psychological, social, and vocational services, (B) testing, fitting, or training in the use of prosthetic and orthotic devices, (C) pre-vocational conditioning or recreational therapy, (D) physical and occupational therapy, (E) speech and hearing therapy, (F) psychological and social services, (G) evaluation of rehabilitation potential, (H) personal and work adjustment, (I) vocational training with a view toward career advancement (in combination with other rehabilitation services), (J) evaluation or control of specific disabilities, (K) orientation and mobility services to the blind, and (L) extended employment for those handicapped individuals who cannot be readily absorbed in the competitive labor market, except that all medical and related health services must be prescribed by, or under the formal supervision of, persons licensed to prescribe or supervise the provision of such services in the State.

(11) The term "Secretary", except when the context otherwise requires, means the Secretary of Health, Education, and Welfare.

(12) The term "severe handicap" means the disability which requires multiple services over an extended period of time and results from amputation, blindness, cancer, cerebral palsy, cystic fibrosis, deafness, heart disease, hemiplegia, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia and other spinal cord conditions, renal failure, respiratory or pulmonary dysfunction, and any other disability specified by the Secretary in regulations he shall prescribe.

(13) The term "State" includes the District of Columbia, the Virgin Islands, Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands, and for the purposes of American Samoa and the Trust Territory of the Pacific Islands, the appropriate State agency designated as provided in section 721(a)(1) of this title shall be the Governor of American Samoa or the High Commissioner of the Trust Territory of the Pacific Islands, as the case may be.

(14) The term "vocational rehabilitation services" means those services identified in section 723 of this title which are provided to handicapped individuals under this chapter.

(Pub. L. 93-112, § 7, Sept. 26, 1973, 87 Stat. 359; Pub. L. 93-516, title I, § 111(a), Dec. 7, 1974, 88 Stat. 1619; Pub. L. 93-651, title I, § 111(a), Nov. 21, 1974, 89 Stat. 2-5.)

CODIFICATION

For history of Pub. L. 93-651, which enacted amendments identical to Pub. L. 93-516, see Codification note set out under section 701 of this title.

PRIOR PROVISIONS

Prior similar provisions were set out in sections 41, 41a, 42-1, and 42a of this title.

AMENDMENTS

1974—Par. (6). Pub. L. 93-516 expanded the definition of handicapped individual to include for the purposes of subchapters IV and V of this chapter any person who has a physical or mental impairment which substantially limits one or more of such person's major life activities, has a record of such as impairment, or is regarded as having such an impairment.

Pub. L. 93-651 amended par. (6) in exactly the same manner as it was amended by Pub. L. 93-516.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 793, 794 of this title; title 42 section 6862.

§ 707. Allotment percentage

(a) Percentage limitation; promulgation and computation; "United States" defined

(1) The allotment percentage for any State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the United States, except that (A) the allotment percentage shall in no case be more than 75 per centum or less than 33½ per centum, and (B) the allotment percentage for the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands shall be 75 per centum.

(2) The allotment percentages shall be promulgated by the Secretary between October 1 and December 31 of each even-numbered year, on the basis of the average of the per capita incomes of the States and of the United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. Such promulgation shall be conclusive for each of the two fiscal years in the period beginning on the October 1 next succeeding such promulgation.

(3) The term "United States" means (but only for purposes of this subsection) the fifty States and the District of Columbia.

(b) Population determination

The population of the several States and of the United States shall be determined on the basis of the most recent data available, to be furnished by the Department of Commerce by October 1 of the year preceding the fiscal year for which funds are appropriated pursuant to statutory authorizations.

(Pub. L. 93-112, § 8, Sept. 26, 1973, 87 Stat. 362; Pub. L. 94-273, § 10, Apr. 21, 1976, 90 Stat. 378.)

PRIOR PROVISIONS

Prior similar provisions were set out in section 41 of this title.

AMENDMENTS

1976—Subsec. (a)(2). Pub. L. 94-273 substituted "October" for "July" wherever appearing therein and "December 31" for "September 30".

§ 708. Audit and examination of records; scope of disclosure; access to representatives

Each recipient of a grant or contract under this chapter shall keep such records as the Sec-

retary may prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant or contract, the total cost of the project or undertaking in connection with which such grant or contract is made or funds thereunder used, the amount of that portion of the cost of the project or undertaking supplied by other sources, and such records as will facilitate an effective audit. The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient of any grant or contract under this chapter which are pertinent to such grant or contract.

(Pub. L. 93-112, § 9, Sept. 26, 1973, 87 Stat. 362.)

§ 709. Nonduplication prohibition

In determining the amount of any State's Federal share of expenditures for planning, administration, and services incurred by it under a State plan approved in accordance with section 721 of this title, there shall be disregarded (1) any portion of such expenditures which are financed by Federal funds provided under any other provision of law, and (2) the amount of any non-Federal funds required to be expended as a condition of receipt of such Federal funds. No payment may be made from funds provided under one provision of this chapter relating to any cost with respect to which any payment is made under any other provision of this chapter.

(Pub. L. 93-112, § 10, Sept. 26, 1973, 87 Stat. 363.)

PRIOR PROVISIONS

Prior similar provisions were set out in sections 33 and 42-1 of this title.

SUBCHAPTER I—VOCATIONAL REHABILITATION SERVICES

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 706, 780, 783, 784 of this title.

PART A—GENERAL PROVISIONS

§ 720. Federal grants

(a) Congressional declaration of purpose

The purpose of this subchapter is to authorize grants to assist States to meet the current and future needs of handicapped individuals, so that such individuals may prepare for and engage in gainful employment to the extent of their capabilities.

(b) Authorization of appropriations

(1) For the purpose of making grants to States under part B of this subchapter to assist them in meeting costs of vocational rehabilitation services provided in accordance with State plans under section 721 of this title, there is authorized to be appropriated \$650,000,000 for the fiscal year ending June 30, 1974, \$680,000,000 for the fiscal year ending June 30, 1975, \$720,000,000 for the fiscal year ending June 30, 1976, \$740,000,000 for the fiscal year ending September 30, 1977, and \$760,000,000 for the fiscal year ending September 30, 1978.

(2) For the purpose of carrying out part C of this subchapter (relating to grants to States and public and nonprofit agencies to assist them in meeting the cost of projects to initiate or expand services to handicapped individuals, especially those with the most severe handicaps) and part D of this subchapter (relating to the study of comprehensive service needs of individuals with the most severe handicaps), there is authorized to be appropriated \$37,000,000 for the fiscal year ending June 30, 1974, \$39,000,000 for the fiscal year ending June 30, 1975, \$42,000,000 for the fiscal year ending June 30, 1976, and \$25,000,000 for the fiscal years ending September 30, 1977, and September 30, 1978; and there is further authorized to be appropriated for such purposes for each such year such additional sums as the Congress may determine to be necessary. Of the sums appropriated under this paragraph for each such fiscal year, \$1,000,000 in each such year shall be available only for the purpose of carrying out Part D of this subchapter.

(Pub. L. 93-112, title I, § 100, Sept. 26, 1973, 87 Stat. 363; Pub. L. 93-516, title I, § 102(a), Dec. 7, 1974, 88 Stat. 1618; Pub. L. 93-651, title I, § 102(a), Nov. 21, 1974, 89 Stat. 2-3; Pub. L. 94-230, §§ 2(a), 11(b)(2), (3), Mar. 15, 1976, 90 Stat. 211, 213.)

CODIFICATION

For history of Pub. L. 93-651, which enacted amendments identical to Pub. L. 93-516, see Codification note set out under section 701 of this title.

PRIOR PROVISIONS

Prior similar provisions were set out in sections 31 and 42-1 of this title.

AMENDMENTS

1976—Subsec. (b)(1). Pub. L. 94-230, § 2(a)(1), added provisions authorizing appropriations of \$740,000,000 for the fiscal year ending Sept. 30, 1977.

Pub. L. 94-230, § 11(b)(2), added provisions authorizing appropriations of \$760,000,000 for the fiscal year ending Sept. 30, 1978.

Subsec. (b)(2). Pub. L. 94-230, § 2(a)(2), added provisions authorizing appropriations of \$25,000,000 for the fiscal year ending Sept. 30, 1977.

Pub. L. 94-230, § 11(b)(3), added provisions authorizing appropriations of \$25,000,000 for the fiscal year ending Sept. 30, 1978.

1974—Subsec. (b)(1). Pub. L. 93-516, § 102(a)(1), added provisions authorizing appropriation of \$720,000,000 for fiscal year ending June 30, 1976.

Pub. L. 93-651, § 102(a)(1), amended subsec. (b)(1) in exactly the same manner as it was amended by Pub. L. 93-516.

Subsec. (b)(2). Pub. L. 93-516, § 102(a)(2), added provisions authorizing appropriation of \$42,000,000 for fiscal year ending June 30, 1976.

Pub. L. 93-651, § 102(a)(2), amended subsec. (b)(2) in exactly the same manner as it was amended by Pub. L. 93-516.

EXTENSION OF VOCATIONAL REHABILITATION PROGRAMS THROUGH FISCAL YEAR ENDING SEPTEMBER 30, 1978; EFFECTIVE DATE OF 1976 AMENDMENT

Section 11(a), (b)(1), (c) of Pub. L. 94-230, provided that:

“(a) Unless the Congress, before April 15, 1977, has passed legislation which would have the effect of extending the authorization of each program and activity the authorization for which is extended through the fiscal year ending September 30, 1977, by the amendments made by section 2 through section 10

[amending sections 720(b), 732(a), 741(b), 761(a)(1), (2), 771(a), 772(a), 774(a)(1), 775(a), 783, 785(d), and 792(h) of this title], each such authorization shall be automatically extended through the fiscal year ending September 30, 1978, in accordance with the amendments made by subsection (b).

"(b)(1) The amendments made by this subsection [amending sections 720(a), 732(a), 761(a)(1), (2), 771(a), 772(a), 774(a)(1), 775(a), 783, 785(d), and 792(h) of this title] shall take effect at the close of April 15, 1977, unless the Congress has passed legislation in accordance with the provisions of subsection (a).

"(c) For purposes of this section, the Congress shall not have been deemed to have passed legislation unless such legislation becomes law."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 730, 740 of this title.

§ 721. State plans

(a) Annual State plans; general and specific requirements

For each fiscal year in which a State desires to participate in programs under this subchapter, a State shall submit to the Secretary for his approval an annual plan for vocational rehabilitation services which shall—

- (1) State agency for plan administration, designation; separate agencies for services to the blind and for other services; joint program; political subdivision participation, waiver; qualification of State agency

(A) designate a State agency as the sole State agency to administer the plan, or to supervise its administration by a local agency, except that (i) where under the State's law the State agency for the blind or other agency which provides assistance or services to the adult blind, is authorized to provide vocational rehabilitation services to such individuals, such agency may be designated as the sole State agency to administer the part of the plan under which vocational rehabilitation services are provided for the blind (or to supervise the administration of such part by a local agency) and a separate State agency may be designated as the sole State agency with respect to the rest of the State plan, and (ii) the Secretary, upon the request of a State, may authorize such agency to share funding and administrative responsibility with another agency of the State or with a local agency in order to permit such agencies to carry out a joint program to provide services to handicapped individuals, and may waive compliance with respect to vocational rehabilitation services furnished under such programs with the requirement of clause (4) of this subsection that the plan be in effect in all political subdivisions of that State;

(B) provide that the State agency so designated to administer or supervise the administration of the State plan, or (if there are two State agencies designated under subclause (A) of this clause) to supervise or administer the part of the State plan that does not relate to services for the blind, shall be (i) a State agency primarily concerned with vocational rehabilitation, or vocational and other rehabilitation, of handicapped individuals, (ii) the State agency administering or supervising the administration of education or vocational education in the State, or (iii) a State agency

which includes at least two other major organizational units each of which administers one or more of the major public education, public health, public welfare, or labor programs of the State;

- (2) State rehabilitation bureau; director; staff; major organizational status; separate units for services to the blind and for other services

provide, except in the case of agencies described in clause (1)(B)(i)—

(A) that the State agency designated pursuant to paragraph (1) (or each State agency if two are so designated) shall include a vocational rehabilitation bureau, division, or other organizational unit which (i) is primarily concerned with vocational rehabilitation, or vocational and other rehabilitation, of handicapped individuals, and is responsible for the vocational rehabilitation program of such State agency, (ii) has a full-time director, and (iii) has a staff employed on such rehabilitation work of such organizational unit all or substantially all of whom are employed full time on such work; and

(B)(i) that such unit shall be located at an organizational level and shall have an organizational status within such State agency comparable to that of other major organizational units of such agency, or (ii) in the case of an agency described in clause (1)(B)(ii), either that such unit shall be so located and have such status, or that the director of such unit shall be the executive officer of such State agency; except that, in the case of a State which has designated only one State agency pursuant to clause (1) of this subsection, such State may, if it so desires, assign responsibility for the part of the plan under which vocational rehabilitation services are provided for the blind to one organizational unit of such agency, and assign responsibility for the rest of the plan to another organizational unit of such agency, with the provisions of this clause applying separately to each of such units;

(3) State financial participation

provide for financial participation by the State, or if the State so elects, by the State and local agencies to meet the amount of the non-Federal share;

(4) Political subdivision participation, waiver; regulations; funds of local agency for non-Federal share of cost of services

provide that the plan shall be in effect in all political subdivisions, except that in the case of any activity which, in the judgment of the Secretary, is likely to assist in promoting the vocational rehabilitation of substantially larger numbers of handicapped individuals or groups of handicapped individuals the Secretary may waive compliance with the requirement herein that the plan be in effect in all political subdivisions of the State to the extent and for such period as may be provided in accordance with regulations prescribed by him, but only if the non-Federal share of the cost of such vocational rehabilitation services is met from funds made available by a local agency (including, to the extent permitted by such regulations, funds,

contributed to such agency by a private agency, organization, or individual);

- (5) **Plans, policies, and methods for execution, administration, and supervision of State plan; expansion and improvement of services; priorities in order of selection; achievement of outcome and service goals**

(A) contain the plans, policies, and methods to be followed in carrying out the State plan and in its administration and supervision, including a description of the method to be used to expand and improve services to handicapped individuals with the most severe handicaps; and, in the event that vocational rehabilitation services cannot be provided to all eligible handicapped individuals who apply for such services, show (i) the order to be followed in selecting individuals to whom vocational rehabilitation services will be provided, and (ii) the outcomes and service goals, and the time within which they may be achieved, for the rehabilitation of such individuals, which order of selection for the provision of vocational rehabilitation services shall be determined on the basis of serving first those individuals with the most severe handicaps and shall be consistent with priorities in such order of selection so determined, and outcome and service goals for serving handicapped individuals, established in regulations prescribed by the Secretary; and

(B) provide satisfactory assurance to the Secretary that the State has studied and considered a broad variety of means for providing services to individuals with the most severe handicaps;

- (6) **Methods of administration; state employment requirement**

provide for such methods of administration, other than methods relating to the establishment and maintenance of personnel standards, as are found by the Secretary to be necessary for the proper and efficient administration of the plan (including a requirement that the State agency and facilities in receipt of assistance under this subchapter shall take affirmative action to employ and advance in employment qualified handicapped individuals covered under, and on the same terms and conditions as set forth in, section 793 of this title);

- (7) **Personnel standards; State licensure laws and regulations; minimum standards for facilities and personnel utilized in providing rehabilitation services**

contain (A) provisions relating to the establishment and maintenance of personnel standards, which are consistent with any State licensure laws and regulations, including provisions relating to the tenure, selection, appointment, and qualifications of personnel, and (B) provisions relating to the establishment and maintenance of minimum standards governing the facilities and personnel utilized in the provision of vocational rehabilitation services, but the Secretary shall exercise no authority with respect to the selection, method of selection, tenure of office, or compensation of any individual employed in accordance with such provision;

- (8) **Consideration of eligibility for similar benefits under any other program**

provide, at a minimum, for the provision of the vocational rehabilitation services specified in clauses (1) through (3) of subsection (a) of section 723 of this title, and the remainder of such services specified in such section after full consideration of eligibility for similar benefits under any other program, except that, in the case of the vocational rehabilitation services specified in clauses (4) and (5) of subsection (a) of such section, such consideration shall not be required where it would delay the provision of such services to any individual;

- (9) **Individualized written rehabilitation program**
provide that (A) an individualized written rehabilitation program meeting the requirements of section 722 of this title will be developed for each handicapped individual eligible for vocational rehabilitation services under this chapter, (B) such services will be provided under the plan in accordance with such program, and (C) records of the characteristics of each applicant will be kept specifying, as to those individuals who apply for services under this subchapter and are determined not to be eligible therefor, the reasons for such determinations in such detail as required by the Secretary in order for him to analyze and evaluate annually the reasons for and numbers of such ineligibility determinations as part of his responsibilities under section 781 of this title, and that the State agency will at least annually categorize and analyze such reasons and numbers and report this information to the Secretary and will, not later than 12 months after each such determination, review each such ineligibility determination in accordance with the criteria set forth in section 722 of this title;

- (10) **Reports of State agency; form; scope of information; time of report; correctness and verification**

provide that the State agency will make such reports in such form, containing such information (including the data described in subclause (C) of clause (9) of this subsection, periodic estimates of the population of handicapped individuals eligible for services under this chapter in such State, specifications of the number of such individuals who will be served with funds provided under this chapter and the outcomes and service goals to be achieved for such individuals in each priority category specified in accordance with clause (5) of this subsection, and the service costs for each such category), and at such time as the Secretary may require to carry out his functions under this subchapter, and comply with such provisions as he may find necessary to assure the correctness and verification of such reports;

- (11) **Intergovernmental cooperation**

provide for entering into cooperative arrangements with, and the utilization of the services and facilities of, the State agencies administering the State's public assistance programs, other programs for handicapped individuals, veterans programs, manpower programs, and public employment offices, and the Social Se-

curity Administration of the Department of Health, Education, and Welfare, the Veterans' Administration, and other Federal, State, and local public agencies providing services related to the rehabilitation of handicapped individuals;

(12) Community resources; utilization

provide satisfactory assurances to the Secretary that, in the provision of vocational rehabilitation services, maximum utilization shall be made of public or other vocational or technical training facilities or other appropriate resources in the community;

(13) Disabled Federal employees; disabled public safety officers

(A) provide that vocational rehabilitation services provided under the State plan shall be available to any civil employee of the United States disabled while in the performance of his duty on the same terms and conditions as apply to other persons, and

(B) provide that special consideration will be given to the rehabilitation under this chapter of a handicapped individual whose handicapping condition arises from a disability sustained in the line of duty while such individual was performing as a public safety officer and the proximate cause of such disability was a criminal act, apparent criminal act, or a hazardous condition resulting directly from the officer's performance of duties in direct connection with the enforcement, execution, and administration of law or fire prevention, firefighting, or related public safety activities;

(14) Residency requirement; prohibition

provide that no residence requirement will be imposed which excludes from services under the plan any individual who is present in the State;

(15) Continuing studies

provide for continuing statewide studies of the needs of handicapped individuals and how these needs may be most effectively met (including the State's needs for rehabilitation facilities and review of the efficacy of the criteria employed with respect to ineligibility determinations described in subclause (C) of clause (9) of this subsection) with a view toward the relative need for services to significant segments of the population of handicapped individuals and the need for expansion of services to those individuals with the most severe handicaps;

(16) Employment review and reevaluation

provide for (A) periodic review and reevaluation of the status of handicapped individuals placed in extended employment in rehabilitation facilities (including workshops) to determine the feasibility of their employment, or training for employment, in the competitive labor market, and (B) maximum efforts to place such individuals in such employment or training whenever it is determined to be feasible;

(17) State facilities, construction; Federal share of construction costs; general grant and contract requirements applicable; nonreduction of other rehabilitation services

provide that where such State plan includes provisions for the construction of rehabilitation facilities—

(A) the Federal share of the cost of construction thereof for a fiscal year will not exceed an amount equal to 10 per centum of the State's allotment for such year,

(B) the provisions of section 776 of this title shall be applicable to such construction and such provisions shall be deemed to apply to such construction, and

(C) there shall be compliance with regulations the Secretary shall prescribe designed to assure that no State will reduce its efforts in providing other vocational rehabilitation services (other than for the establishment of rehabilitation facilities) because its plan includes such provisions for construction;

(18) Policy planning; trainee participation

provide satisfactory assurances to the Secretary that the State agency designated pursuant to clause (1) (or each State agency if two are so designated) and any sole local agency administering the plan in a political subdivision of the State will take into account, in connection with matters of general policy arising in the administration of the plan, the views of individuals and groups thereof who are recipients of vocational rehabilitation services (or, in appropriate cases, their parents or guardians), working in the field of vocational rehabilitation, and providers of vocational rehabilitation services; and

(19) Amendments; continuing studies and annual evaluation as basis

provide satisfactory assurances to the Secretary that the continuing studies required under clause (15) of this subsection, as well as an annual evaluation of the effectiveness of the program in meeting the goals and priorities set forth in the plan, will form the basis for the submission, from time to time as the Secretary may require, of appropriate amendments to the plan.

(b) Approval or disapproval by Secretary; notice and hearing

The Secretary shall approve any plan which he finds fulfills the conditions specified in subsection (a) of this section, and he shall disapprove any plan which does not fulfill such conditions. Prior to such disapproval, the Secretary shall notify a State of his intention to disapprove its plan, and he shall afford such State reasonable notice and opportunity for hearing.

(c) Noncompliance; payment limitation

Whenever the Secretary, after reasonable notice and opportunity for hearing to the State agency administering or supervising the administration of the State plan approved under this section, finds that—

(1) the plan has been so changed that it no longer complies with the requirements of subsection (a) of this section; or

(2) in the administration of the plan there is a failure to comply substantially with any provision of such plan,

the Secretary shall notify such State agency that no further payments will be made to the State under this subchapter (or, in his discretion, that such further payments will be reduced, in accordance with regulations the Secretary shall prescribe, or that further payments will not be made to the State only for the projects under the parts of the State plan affected by such failure), until he is satisfied there is no longer any such failure. Until he is so satisfied, the Secretary shall make no further payments to such State under this subchapter (or shall limit payments to projects under those parts of the State plan in which there is no such failure).

(d) **Judicial review; venue; record; agency action provisions applicable**

If any State is dissatisfied with the Secretary's action under subsection (b) or (c) of this section, such State may appeal to the United States district court for the district where the capital of such State is located and judicial review of such action shall be on the record in accordance with the provisions of chapter 7 of title 5.

(Pub. L. 93-112, title I, § 101, Sept. 26, 1973, 87 Stat. 363; Pub. L. 93-516, title I, § 111(b)-(d), Dec. 7, 1974, 88 Stat. 1619, 1620; Pub. L. 93-651, title I, § 111(b)-(d), Nov. 21, 1974, 89 Stat. 2-5.)

CODIFICATION

For history of Pub. L. 93-651, which enacted amendments identical to Pub. L. 93-516, see Codification note set out under section 701 of this title.

PRIOR PROVISIONS

Prior similar provisions were set out in sections 35, 41c, and 42-1 of this title.

AMENDMENTS

1974—Subsec. (a)(6). Pub. L. 93-516, § 111(b), added parenthetical provisions relating to the requirement that the State take affirmative action to employ and advance in employment qualified handicapped individuals covered under, and on the same terms and conditions as set forth in section 793 of this title.

Pub. L. 93-651, § 111(b), amended subsec. (a)(6) in exactly the same manner as it was amended by Pub. L. 93-516.

Subsec. (a)(9). Pub. L. 93-516, § 111(c), in par. (C), added provisions that the records be in such detail as required by the Secretary in order for him to analyze and evaluate annually the reasons for and numbers of such ineligibility determinations as part of his responsibilities under section 781 of this title, and that the state agency will at least annually categorize and analyze such reasons and numbers and report this information to the Secretary and will, not later than 12 months after each such determination, review each such ineligibility determination in accordance with the criteria set forth in section 722 of this title.

Pub. L. 93-651, § 111(c), amended subsec. (a)(9) in exactly the same manner as it was amended by Pub. L. 93-516.

Subsec. (a)(15). Pub. L. 93-516, § 111(d), substituted "needs for rehabilitation facilities and review of the efficacy of the criteria employed with respect to ineligibility determinations described in subclause (C) of clause (9) of this subsection" for "needs for rehabilitation."

Pub. L. 93-651, § 111(d), amended subsec. (a)(15) in exactly the same manner as it was amended by Pub. L. 93-516.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 705, 706, 709, 720, 722, 731, 732, 741, 762, 771, 772, 774, 776, 781, 786 of this title; title 20 section 107a; title 21 section 1173.

§ 722. Individualized written rehabilitation program

(a) **Joint development by counselor or coordinator and handicapped individual; goods and services for handicapped individual; terms and conditions, rights and remedies**

The Secretary shall insure that the individualized written rehabilitation program, or the specification of reasons for a determination of ineligibility prior to initiation of such program based on preliminary diagnosis, required by section 721(a)(9) of this title in the case of each handicapped individual is developed jointly by the vocational rehabilitation counselor or coordinator and the handicapped individual (or, in appropriate cases, his parents or guardians), and that such program meets the requirements set forth in subsection (b) of this section. Such written program shall set forth the terms and conditions, as well as the rights and remedies, under which goods and services will be provided to the individual, and, as appropriate, such specification of reasons for such an ineligibility determination shall set forth the rights and remedies, including recourse to the process set forth in subsection (b)(5) of this section, available to the individual in question.

(b) **Annual review; joint redevelopment of terms; scope of program**

Each individualized written rehabilitation program shall be reviewed on an annual basis at which time each such individual (or, in appropriate cases, his parents or guardians) will be afforded an opportunity to review such program and jointly redevelop its terms. Such program shall include, but not be limited to (1) a statement of long-range rehabilitation goals for the individual and intermediate rehabilitation objectives related to the attainment of such goals, (2) a statement of the specific vocational rehabilitation services to be provided, (3) the projected date for the initiation and the anticipated duration of each such service, (4) objective criteria and evaluation procedure and schedule for determining whether such objectives and goals are being achieved, and, (5) where appropriate, a detailed explanation of the availability of a client assistance project established in such area pursuant to section 732 of this title.

(c) **Determination and achievement of vocational goal; decision respecting potential and capability of achievement; annual review of decision**

The Secretary shall also insure that (1) in making any determination of ineligibility referred to in subsection (a) of this section, or in developing and carrying out the individualized written rehabilitation program required by section 721 of this title in the case of each handicapped individual, emphasis is placed upon the determination and achievement of a vocational goal for such individual, (2) a decision that such an individual is not capable of achieving such a goal and thus not eligible for vocational rehabilitation services provided with assistance under this part, is made only in full consultation with such individual (or, in appropriate

cases, his parents or guardians), and only upon the certification, as an amendment to such written program, or as a part of the specification of reasons for an ineligibility determination, as appropriate, that the preliminary diagnosis or evaluation of rehabilitation potential, as appropriate, has demonstrated beyond any reasonable doubt that such individual is not then capable of achieving such a goal, and (3) any such decision, as an amendment to such written program, shall be reviewed at least annually in accordance with the procedure and criteria established in this section.

(Pub. L. 93-112, title I, § 102, Sept. 26, 1973, 87 Stat. 368; Pub. L. 93-516, title I, § 111(e), Dec. 7, 1974, 88 Stat. 1620; Pub. L. 93-651, title I, § 111(e), Nov. 21, 1974, 89 Stat. 2-5.)

CODIFICATION

For history of Pub. L. 93-651, which enacted amendments identical to Pub. L. 93-516, see Codification note set out under section 701 of this title.

AMENDMENTS

1974—Subsec. (a). Pub. L. 93-516, § 111(e)(1), substituted “written rehabilitation program, or the specification of reasons for a determination of ineligibility prior to initiation of such program based on preliminary diagnosis,” for “written rehabilitation program,” and added provisions that the specifications of reasons for an ineligibility determination shall set forth the rights and remedies available to the individual in question, including recourse to the process set forth in subsec. (b)(5) of this section.

Pub. L. 93-651, § 111(e)(1), amended subsec. (a) in exactly the same manner as it was amended by Pub. L. 93-516.

Subsec. (c)(1). Pub. L. 93-516, § 111(e)(2), substituted “in making any determination of ineligibility referred to in subsection (a) of this section, or in developing and carrying out the individualized written rehabilitation program required by section 721 of this title in the case of each handicapped individual,” for “in developing and carrying out individualized written rehabilitation program required by section 721 of this title in the case of each handicapped individual primary”.

Pub. L. 93-651, § 111(e)(2) amended subsec. (c)(1) in exactly the same manner as it was amended by Pub. L. 93-516.

Subsec. (c)(2). Pub. L. 93-516, § 111(e)(3), substituted “program, or as a part of the specification of reasons for an ineligibility determination, as appropriate, that the preliminary diagnosis or evaluation of rehabilitation potential, as appropriate,” for “program, that the evaluation of rehabilitation potential”.

Pub. L. 93-651, § 111(e)(3), amended subsec. (c)(2) in exactly the same manner as it was amended by Pub. L. 93-516.

Subsec. (c)(3). Pub. L. 93-516, § 111(e)(4), substituted “such decision, as an amendment to such written program,” for “such decision”.

Pub. L. 93-651, § 111(e)(4), amended subsec. (c)(3) in exactly the same manner as it was amended by Pub. L. 93-516.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 721 of this title.

§ 723. Scope of vocational rehabilitation services

(a) Individual services

Vocational rehabilitation services provided under this chapter are any goods or services necessary to render a handicapped individual employable, including, but not limited to, the following:

(1) evaluation of rehabilitation potential, including diagnostic and related services, incidental to the determination of eligibility for, and the nature and scope of, services to be provided, including, where appropriate, examination by a physician skilled in the diagnosis and treatment of emotional disorders, or by a licensed psychologist in accordance with State laws and regulations, or both;

(2) counseling, guidance, referral, and placement services for handicapped individuals, including followup, follow-along, and other post-employment services necessary to assist such individuals to maintain their employment and services designed to help handicapped individuals secure needed services from other agencies, where such services are not available under this chapter;

(3) vocational and other training services for handicapped individuals, which shall include personal and vocational adjustment, books, and other training materials, and services to the families of such individuals as are necessary to the adjustment or rehabilitation of such individuals: *Provided*, That no training services in institutions of higher education shall be paid for with funds under this subchapter unless maximum efforts have been made to secure grant assistance, in whole or in part, from other sources to pay for such training;

(4) physical and mental restoration services, including, but not limited to, (A) corrective surgery or therapeutic treatment necessary to correct or substantially modify a physical or mental condition which is stable or slowly progressive and constitutes a substantial handicap to employment, but is of such nature that such correction or modification may reasonably be expected to eliminate or substantially reduce the handicap within a reasonable length of time, (B) necessary hospitalization in connection with surgery or treatment, (C) prosthetic and orthotic devices, (D) eyeglasses and visual services as prescribed by a physician skilled in the diseases of the eye or by an optometrist, whichever the individual may select, (E) special services (including transplantation and dialysis), artificial kidneys, and supplies necessary for the treatment of individuals suffering from end-stage renal disease, and (F) diagnosis and treatment for mental and emotional disorders by a physician or licensed psychologist in accordance with State licensure laws;

(5) maintenance, not exceeding the estimated cost of subsistence, during rehabilitation;

(6) interpreter services for deaf individuals, and reader services for those individuals determined to be blind after an examination by a physician skilled in the diseases of the eye or by an optometrist, whichever the individual may select;

(7) recruitment and training services for handicapped individuals to provide them with new employment opportunities in the fields of rehabilitation, health, welfare, public safety, and law enforcement, and other appropriate service employment;

(8) rehabilitation teaching services and orientation and mobility services for the blind;

(9) occupational licenses, tools, equipment, and initial stocks and supplies;

(10) transportation in connection with the rendering of any vocational rehabilitation service; and

(11) telecommunications, sensory, and other technological aids and devices.

(b) Group services

Vocational rehabilitation services, when provided for the benefit of groups of individuals, may also include the following:

(1) in the case of any type of small business operated by individuals with the most severe handicaps the operation of which can be improved by management services and supervision provided by the State agency, the provision of such services and supervision, along or together with the acquisition by the State agency of vending facilities or other equipment and initial stocks and supplies; and

(2) the construction or establishment of public or nonprofit rehabilitation facilities and the provision of other facilities and services which promise to contribute substantially to the rehabilitation of a group of individuals but which are not related directly to the individualized rehabilitation written program of any one handicapped individual.

(Pub. L. 93-112, title I, § 103, Sept. 26, 1973, 87 Stat. 368.)

PRIOR PROVISIONS

Prior similar provisions were set out in sections 34, 35, 41, and 42a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 706, 721 of this title.

§ 724. Non-Federal share for construction

For the purpose of determining the amount of payments to States for carrying out part B of this subchapter, the non-Federal share, subject to such limitations and conditions as may be prescribed in regulations by the Secretary, shall include contributions of funds made by any private agency, organization, or individual to a State or local agency to assist in meeting the costs of construction or establishment of a public or nonprofit rehabilitation facility, which would be regarded as State or local funds except for the condition, imposed by the contributor, limiting use of such funds to construction or establishment of such facility.

(Pub. L. 93-112, title I, § 104, Sept. 26, 1973, 87 Stat. 370.)

PRIOR PROVISIONS

Prior similar provisions were set out in section 32 of this title.

PART B—BASIC VOCATIONAL REHABILITATION SERVICES

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 706, 720, 724, 787 of this title.

§ 730. State allotments

(a) Computation; minimum amount; adjustments

For each fiscal year, each State shall be entitled to an allotment of an amount bearing the

same ratio to the amount authorized to be appropriated under subsection (b)(1) of section 720 of this title for allotment under this section as the product of (1) the population of the State and (2) the square of its allotment percentage bears to the sum of the corresponding products for all the States. The allotment to any State (other than Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands) under the first sentence of this subsection for any fiscal year which is less than one-quarter of 1 per centum of the amount appropriated under subsection (b)(1) of section 720 of this title, or \$2,000,000, whichever is greater, shall be increased to that amount, the total of the increases thereby required being derived by proportionately reducing the allotments to each of the remaining such States under the first sentence of this subsection, but with such adjustments as may be necessary to prevent the allotment of any such remaining States from being thereby reduced to less than that amount.

(b) Additional payments; authorization of additional appropriations

If the payment to a State under section 731(a) of this title for a fiscal year is less than the total payments such State received under section 2 of the Vocational Rehabilitation Act for the fiscal year ending June 30, 1973, such State shall be entitled to an additional payment (subject to the same terms and conditions applicable to other payments under this part) equal to the difference between such payment under section 731(a) of this title and the amount so received by it. Payments attributable to the additional payment to a State under this subsection shall be made only from appropriations specifically made to carry out this subsection, and such additional appropriations are hereby authorized.

(c) Unused funds; redistribution; increase in amount

Whenever the Secretary determines, after reasonable opportunity for the submission to him of comments by the State agency administering or supervising the program established under this subchapter that any payment of an allotment to a State under section 731(a) of this title for any fiscal year will not be utilized by such State in carrying out the purposes of this subchapter, he shall make such amount available for carrying out the purposes of this subchapter to one or more other States to the extent he determines such other State will be able to use such additional amount during such year for carrying out such purposes. Any amount made available to a State for any fiscal year pursuant to the preceding sentence shall, for the purposes of this part, be regarded as an increase of such State's allotment (as determined under the preceding provisions of this section) for such year.

(Pub. L. 93-112, title I, § 110, Sept. 26, 1973, 87 Stat. 370.)

REFERENCES IN TEXT

Section 2 of Vocational Rehabilitation Act, referred to in subsec. (b), is section 2 of act June 2, 1920, ch. 219, 41 Stat. 735, as amended, which provided for grants to States for vocational rehabilitation service services, including computation of allotments, amount of payments, adjusted Federal shares, and private con-

tributions for construction or establishment of facilities, and which was classified to section 32 of this title. Section 32 was repealed by section 500(a) of Pub. L. 93-112, effective 90 days after Sept. 26, 1973, and is now covered by this section and sections 724 and 731 of this title. See section 790 of this title.

PRIOR PROVISIONS

Prior similar provisions were set out in sections 32 and 42-1 of this title.

CONTINUATION OF FEDERAL PROGRAMS AND ACTIVITIES DURING FISCAL YEAR TRANSITION PERIOD FROM JULY 1, 1976, THROUGH SEPTEMBER 30, 1976

Pub. L. 94-274, title I, § 103, Apr. 21, 1976, 90 Stat. 385, provided that:

"For the purposes of the provisions of sections 110 and 120 of the Rehabilitation Act of 1973 (29 U.S.C. 730 and 740), the term 'fiscal year' includes the period of July 1, 1976, through September 30, 1976, and the exercise of authority pursuant to those provisions for that period shall be subject to the conditions stated in the following paragraphs:

"(1) the fixed dollar minimum allotment for any State (other than Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands) under section 110 [this section] shall be \$500,000, and

"(2) the minimum allotment to any State under section 120 [section 740 of this title] shall be \$12,500."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 731 of this title.

§ 731. Payments to States

(a) Amount

From each State's allotment under this part for any fiscal year (including any additional payment to it under section 730(b) of this title), the Secretary shall pay to such State an amount equal to the Federal share of the cost of vocational rehabilitation services under the plan for such State approved under section 721 of this title, including expenditures for the administration of the State plan, except that the total of such payments to such State for such fiscal year may not exceed its allotment under subsection (a) (and its additional payment under subsection (b), if any) of section 730 of this title for such year and such payments shall not be made in an amount which would result in a violation of the provisions of the State plan required by clause (17) of section 721(a) of this title and except that the amount otherwise payable to such State for such year under this section shall be reduced by the amount (if any) by which expenditures from non-Federal sources during such year under this subchapter are less than expenditures under the State plan for the fiscal year ending June 30, 1972, under the Vocational Rehabilitation Act.

(h) Method of computation and payment

The method of computing and paying amounts pursuant to subsection (a) of this section shall be as follows:

(1) The Secretary shall, prior to the beginning of each calendar quarter or other period prescribed by him, estimate the amount to be paid to each State under the provisions of such subsection for such period, such estimate to be based on such records of the State and information furnished by it, and such other investigation, as the Secretary may find necessary.

(2) The Secretary shall pay, from the allotment available therefor, the amount so estimated by him for such period, reduced or increased, as the case may be, by any sum (not previously adjusted under this paragraph) by which he finds that his estimate of the amount to be paid the State for any prior period under such subsection was greater or less than the amount which should have been paid to the State for such prior period under such subsection. Such payment shall be made prior to audit or settlement by the General Accounting Office, shall be made through the disbursing facilities of the Treasury Department, and shall be in such installments as the Secretary may determine.

(Pub. L. 93-112, title I, § 111, Sept. 26, 1973, 87 Stat. 371.)

REFERENCES IN TEXT

Vocational Rehabilitation Act, referred to in subsec. (a), is act June 2, 1920, ch. 219, 41 Stat. 735, which was classified generally to chapter 4 (§ 31 et seq.) of this title and was repealed by section 500(a) of the Rehabilitation Act of 1973, Pub. L. 93-112, Sept. 26, 1973, 87 Stat. 357. The Rehabilitation Act of 1973 is classified generally to this chapter. Section 500(a), classified to section 790 of this title, provided in part that references to the Vocational Rehabilitation Act in any other provision of law be deemed references to the Rehabilitation Act of 1973.

PRIOR PROVISIONS

Prior similar provisions were set out in sections 32 and 36 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 730 of this title; title 5 section 8104.

§ 732. Client assistance

(a) Amount of assistance for regional pilot projects; duties of counselors

From funds appropriated under section 774 of this title for special projects and demonstrations in excess of \$11,860,000 the Secretary shall set aside up to \$1,500,000, but no less than \$500,000 for the fiscal year ending June 30, 1974, up to \$2,500,000 but no less than \$1,000,000 for the fiscal year ending June 30, 1975, up to \$2,500,000 but no less than \$1,000,000 for the fiscal year ending June 30, 1976, up to \$2,500,000 but no less than \$1,000,000 for the fiscal year ending September 30, 1977, and up to \$2,500,000 but no less than \$1,000,000 for the fiscal year ending September 30, 1978, to establish in no less than 7 nor more than 20 geographically dispersed regions client assistance pilot projects (hereinafter in this section referred to as "projects") to provide counselors to inform and advise all clients and client applicants in the project area of all available benefits under this chapter and, upon requests of such client or client applicant, to assist such clients or applicants in their relationships with projects, programs, and facilities providing services to them under this chapter. In the event that funds so appropriated under section 774 of this title do not exceed \$11,860,000 in any fiscal year, the Secretary is authorized to utilize such funds to carry out this section.

(b) Regulations; requirements

The Secretary shall prescribe regulations which shall include the following requirements:

(1) Employment or benefit duplication

No employees of such projects shall be presently serving as staff or consultants or receiving benefits of any kind directly or indirectly from any rehabilitation project, program, or facility receiving assistance under this chapter in the project area.

(2) Access to policymaking and administrative personnel

Each project shall be afforded reasonable access to policymaking and administrative personnel in State and local rehabilitation programs, projects, and facilities.

(3) Annual reports; summary of accomplishments; statistical tabulation of cases; submittal to Congressional committees

The project shall submit an annual report, through the State agency designated pursuant to section 721 of this title, to the Secretary on the operation of the project during the previous year, including a summary of the work done and a uniform statistical tabulation of all cases handled by such project. A copy of each such report shall be submitted to the appropriate committees of the Congress by the Secretary, together with a summary of such reports and his evaluation of such projects, including appropriate recommendations.

(4) Graduate student services

Each State agency may enter into cooperative arrangements with institutions of higher education to secure the services in such projects of graduate students who are undergoing clinical training activities in related fields. No compensation with funds appropriated under this chapter shall be provided to such students.

(5) Availability of adequate services; availing of such services without discouragement

Reasonable assurance shall be given by the appropriate State agency that all clients or client applicants within the project area shall have the opportunity to receive adequate service under the project and shall not be pressured against or otherwise discouraged from availing themselves of the services available under such project.

(6) State agency for project funding, administration, and operation

The project shall be funded, administered, and operated directly by and with the concurrence of the State agency designated pursuant to section 721 of this title.

(Pub. L. 93-112, title I, § 112, Sept. 26, 1973, 87 Stat. 371; Pub. L. 93-516, title I, §§ 102(b), 111(f), Dec. 7, 1974, 88 Stat. 1618, 1620; Pub. L. 93-651, title I, §§ 102(b), 111(f), Nov. 21, 1974, 89 Stat. 2-3, 2-5; Pub. L. 94-230, §§ 2(b), 11(b)(4), Mar. 15, 1976, 90 Stat. 211, 213.)

CODIFICATION

For history of Pub. L. 93-651, which enacted amendments identical to Pub. L. 93-516, see Codification note set out under section 701 of this title.

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-230, § 2(b), added provisions authorizing appropriations up to \$2,500,000 but no less than \$1,000,000 for the fiscal year ending Sept. 30, 1977.

Pub. L. 94-230, 11(b)(4), added provisions authorizing appropriations up to \$2,500,000 but no less than \$1,000,000 for the fiscal year ending Sept. 30, 1978.

1974—Subsec. (a). Pub. L. 93-516 substituted "in excess of \$11,860,000" for "in excess of an amount equal to the amount obligated for expenditure for carrying out such projects and demonstrations from appropriations under the Vocational Rehabilitation Act in the fiscal year ending June 30, 1973," authorized appropriation of up to \$2,500,000 but no less than \$1,000,000 for fiscal year ending June 30, 1976, and added provisions that in the event that funds so appropriated under section 774 of this title do not exceed \$11,860,000 in any fiscal year, the Secretary is authorized to utilize such funds to carry out this section.

Pub. L. 93-651 amended subsec. (a) in exactly the same manner as it was amended by Pub. L. 93-516.

EXTENSION OF VOCATIONAL REHABILITATION PROGRAMS THROUGH FISCAL YEAR ENDING SEPTEMBER 30, 1978; EFFECTIVE DATE OF 1976 AMENDMENT

For contingency provisions relating to the extensions of program authorizations and to the effective date of such extensions, see section 11(a), (b)(1), and (c) of Pub. L. 94-230, set out as a note under section 720 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 722 of this title.

PART C—INNOVATION AND EXPANSION GRANTS**PART REFERRED TO IN OTHER SECTIONS**

This part is referred to in sections 706, 720 of this title.

§ 740. State allotments**(a) Computation; minimum amount; adjustments**

(1)¹ From the sums available pursuant to section 720(b)(2) of this title for any fiscal year for grants to States to assist them in meeting the costs described in section 741 of this title, each State shall be entitled to an allotment of an amount bearing the same ratio to such sums as the population of the State bears to the population of all the States. The allotment to any State under the preceding sentence for any fiscal year which is less than \$50,000 shall be increased to that amount, and for the fiscal year ending June 30, 1974, no State shall receive less than the amount necessary to cover up to 90 per centum of the cost of continuing projects assisted under section 4(a)(2)(A) of the Vocational Rehabilitation Act [29 U.S.C. 34(a)(2)(A)], except that no such project may receive financial assistance under both the Vocational Rehabilitation Act [29 U.S.C. 31 et seq.] and this chapter for a total period of time in excess of three years. The total of the increase required by the preceding sentence shall be derived by proportionately reducing the allotments to each of the remaining States under the first sentence of this section, but with such adjustments as may be necessary to prevent the allotment of any of such remaining States from thereby being reduced to less than \$50,000.

(b) Unused funds; redistribution; increase in amount

Whenever the Secretary determines that any amount of an allotment to a State for any fiscal year will not be utilized by such State in carrying out the purposes of this section, he shall make such amount available for carrying out the purposes of this section to one or more other States which he determines will be able

¹So in original. There is no paragraph (2).

to use additional amounts during such year for carrying out such purposes. Any amount made available to a State for any fiscal year pursuant to the preceding sentence shall, for purposes of this part, be regarded as an increase of such State's allotment (as determined under the preceding provisions of this section) for such year.

(Pub. L. 93-112, title I, § 120, Sept. 26, 1973, 87 Stat. 372.)

REFERENCES IN TEXT

Vocational Rehabilitation Act, referred to in subsec. (a), is act June 2, 1920, ch. 219, 41 Stat. 735, which was classified generally to chapter 4 (§ 31 et seq.) of this title and was repealed by section 500(a) of the Rehabilitation Act of 1973, Pub. L. 93-112, Sept. 26, 1973, 87 Stat. 357. Section 4(a)(2)(A) of the Vocational Rehabilitation Act was classified to section 34(a)(2)(A) of this title. The Rehabilitation Act of 1973 is classified generally to this chapter. Section 500(a), classified to section 790 of this title, provided in part that references to the Vocational Rehabilitation Act in any other provision of law be deemed references to the Rehabilitation Act of 1973.

PRIOR PROVISIONS

Prior similar provisions were set out in sections 33 and 42-1 of this title.

CONTINUATION OF FEDERAL PROGRAMS AND ACTIVITIES DURING FISCAL YEAR TRANSITION PERIOD FROM JULY 1, 1976 THROUGH SEPTEMBER 30, 1976

Authority to continue Federal programs and activities during the fiscal year transition period from July 1, 1976 through Sept. 30, 1976, and conditions imposed upon exercise of authority during transition period with respect to amounts, etc., see section 103 of Pub. L. 94-274, set out as a note under section 730 of this title.

§ 741. Payments to States

- (a) Cost of planning, preparing for, and initiating special programs; prior approval of Secretary or State agency for certain expenditures

From each State's allotment under this part for any fiscal year, the Secretary shall pay to such State or, at the option of the State agency designated pursuant to section 721(a)(1) of this title, to a public or nonprofit organization or agency, a portion of the cost of planning, preparing for, and initiating special programs under the State plan approved pursuant to section 721 of this title to expand vocational rehabilitation services, including programs to initiate or expand such services to individuals with the most severe handicaps, or of special programs under such State plan to initiate or expand services to classes of handicapped individuals who have unusual and difficult problems in connection with their rehabilitation, particularly handicapped individuals who are poor, and responsibility for whose treatment, education, and rehabilitation is shared by the State agency designated in section 721 of this title with other agencies. The Secretary may require that any portion of a State's allotment under this section, but not more than 50 per centum of such allotment, may be expended in connection with only such projects as have first been approved by the Secretary. Any grant of funds under this section which will be used for direct services to handicapped individuals or for establishing or maintaining facilities which will render direct services to such individuals must

have the prior approval of the appropriate State agency designated pursuant to section 721 of this title.

- (b) Duration; period of availability; limitation; non-Federal share

Payments under this section with respect to any project may be made for a period of not to exceed three years beginning with the commencement of the project as approved, and sums appropriated for grants under this section shall remain available for such grants through the fiscal year ending September 30, 1979. Payments with respect to any project may not exceed 90 per centum of the cost of such project. The non-Federal share of the cost of a project may be in cash or in kind and may include funds spent for project purposes by a cooperating public or nonprofit agency provided that it is not included as a cost in any other federally financed program.

- (c) Advances; reimbursement; conditions

Payments under this section may be made in advance or by way of reimbursement for services performed and purchases made, as may be determined by the Secretary, and shall be made on such conditions as the Secretary finds necessary to carry out the purposes of this section.

(Pub. L. 93-112, title I, § 121, Sept. 26, 1973, 87 Stat. 373; Pub. L. 93-516, title I, § 102(c), Dec. 7, 1974, 88 Stat. 1618; Pub. L. 93-651, title I, § 102(c), Nov. 21, 1974, 89 Stat. 2-3; Pub. L. 94-230, § 2(c), Mar. 15, 1976, 90 Stat. 211.)

CODIFICATION

For history of Pub. L. 93-651, which enacted amendments identical to Pub. L. 93-516, see Codification note set out under section 701 of this title.

PRIOR PROVISIONS

Prior similar provisions were set out in sections 33 and 34 of this title.

AMENDMENTS

1976—Subsec. (b). Pub. L. 94-230 substituted "September 30, 1979" for "June 30, 1977".

1974—Subsec. (b). Pub. L. 93-516 substituted "June 30, 1977" for "June 30, 1976".

Pub. L. 93-651 amended subsec. (b) in exactly the same manner as it was amended by Pub. L. 93-516.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 740 of this title.

PART D—COMPREHENSIVE SERVICE NEEDS

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in section 720 of this title.

§ 750. Special study, research, and demonstrations

- (a) Statement of objectives; intergovernmental coordination of programs

The Secretary shall conduct a comprehensive study, including research and demonstration projects of the feasibility of methods designed (1) to prepare individuals with the most severe handicaps for entry into programs under this chapter who would not otherwise be eligible to enter such programs due to the severity of their handicap, and (2) to assist individuals with the most severe handicaps who, due to the severity of their handicaps or other factors such as their age, cannot reasonably be expect-

ed to be rehabilitated for employment but for whom a program of rehabilitation could improve their ability to live independently or function normally within their family and community. Such study shall encompass the extent to which other programs administered by the Secretary do or might contribute to the objectives set forth in clauses (1) and (2) of the preceding sentence and the methods by which all such programs can be coordinated at Federal, State, and local levels with those carried out under this chapter to the end that individuals with the most severe handicaps are assured of receiving the kinds of assistance necessary for them to achieve such objectives.

(b) Report to Congress and President

The Secretary shall report the findings of the study, research, and demonstrations directed by subsection (a) of this section to the Congress and to the President together with such recommendations for legislative or other action as he may find desirable, not later than June 30, 1975.

(Pub. L. 93-112, title I, § 130, Sept. 26, 1973, 87 Stat. 374; Pub. L. 93-516, title I, § 111(g), Dec. 7, 1974, 88 Stat. 1621; Pub. L. 93-651, title I, § 111(g), Nov. 21, 1974, 89 Stat. 2-6.)

CODIFICATION

For history of Pub. L. 93-651, which enacted amendments identical to Pub. L. 93-516, see Codification note set out under section 701 of this title.

AMENDMENTS

1974—Subsec. (b). Pub. L. 93-516 substituted "June 30, 1975" for "February 1, 1975".

Pub. L. 93-651 amended subsec. (b) in exactly the same manner as it was amended by Pub. L. 93-516.

SUBCHAPTER II—RESEARCH AND TRAINING

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 780, 783 of this title.

§ 760. Congressional declaration of purpose

The purpose of this subchapter is to authorize Federal assistance to State and public or nonprofit agencies and organizations to—

(a) plan and conduct research, demonstrations, and related activities in the rehabilitation of handicapped individuals, and

(b) plan and conduct courses of training and related activities designed to provide increased numbers of trained rehabilitation personnel, to increase the levels of skills of such personnel, and to develop improved methods of providing such training.

(Pub. L. 93-112, title II, § 200, Sept. 26, 1973, 87 Stat. 374.)

§ 761. Authorization of appropriations

(a) In order to make grants and contracts to carry out the purposes of this subchapter, there is authorized to be appropriated:

(1) For the purpose of carrying out section 762 of this title, \$25,000,000 each for the fiscal years ending June 30, 1974, June 30, 1975, \$32,000,000 for the fiscal year ending June 30, 1976, and \$30,000,000 for the fiscal years ending September 30, 1977, and September 30, 1978;

and there is further authorized to be appropriated for such purpose for each such year such additional sums as the Congress may determine to be necessary. Of the sums appropriated under this paragraph, 20 per centum and 25 per centum of the amounts appropriated in the first and second such fiscal years, respectively, and 25 per centum of the amounts appropriated in each succeeding fiscal year shall be available only for the purpose of carrying out activities under section 762(b)(2) of this title.

(2) For the purpose of carrying out section 763 of this title, \$27,700,000 each for the fiscal years ending June 30, 1974, and June 30, 1975, \$32,000,000 for the fiscal year ending June 30, 1976, \$25,000,000 for the fiscal year ending September 30, 1977, and \$30,000,000 for the fiscal year ending September 30, 1978; and there is further authorized to be appropriated for such purpose for each such year such additional sums as the Congress may determine to be necessary.

(b) Funds appropriated under this subchapter shall remain available until expended.

(Pub. L. 93-112, title II, § 201, Sept. 26, 1973, 87 Stat. 374; Pub. L. 93-516, title I, § 103, Dec. 7, 1974, 88 Stat. 1618; Pub. L. 93-651, title I, § 103, Nov. 21, 1974, 89 Stat. 2-3; Pub. L. 94-230, §§ 3, 11(b)(5), (6), Mar. 15, 1976, 90 Stat. 211, 213.)

CODIFICATION

For history of Pub. L. 93-651, which enacted amendments identical to Pub. L. 93-516, see Codification note set out under section 701 of this title.

PRIOR PROVISIONS

Prior similar provisions were set out in section 31 of this title.

AMENDMENTS

1976—Subsec. (a)(1). Pub. L. 94-230, § 3(a), added provisions authorizing appropriations of \$30,000,000 for the fiscal year ending Sept. 30, 1977.

Pub. L. 94-230, § 11(b)(5), added provisions authorizing appropriations of \$30,000,000 for the fiscal year ending Sept. 30, 1978.

Subsec. (a)(2). Pub. L. 94-230, § 3(b), added provisions authorizing appropriations of \$25,000,000 for the fiscal year ending Sept. 30, 1977.

Pub. L. 94-230, § 11(b)(6), added provisions authorizing appropriations of \$30,000,000 for the fiscal year ending Sept. 30, 1978.

1974—Subsec. (a)(1). Pub. L. 93-516, § 103(1), (2), added provisions authorizing appropriation of \$32,000,000 for the fiscal year ending June 30, 1976, and substituted "such fiscal years, respectively, and 25 per centum of the amounts appropriated in each succeeding fiscal year" for "such fiscal years, respectively."

Pub. L. 93-651, § 103(1), (2), amended subsec. (a)(1) in exactly the same manner as it was amended by Pub. L. 93-516.

Subsec. (a)(2). Pub. L. 93-516, § 103(3), added provisions authorizing appropriation of \$32,000,000 for the fiscal year ending June 30, 1976.

Pub. L. 93-651, § 103(3), amended subsec. (a)(2) in exactly the same manner as it was amended by Pub. L. 93-516.

EXTENSION OF VOCATIONAL REHABILITATION PROGRAMS THROUGH FISCAL YEAR ENDING SEPTEMBER 30, 1978; EFFECTIVE DATE OF 1976 AMENDMENT

For contingency provisions relating to the extensions of program authorizations and to the effective date of such extensions, see section 11(a), (b)(1), and

(c) of Pub. L. 94-230, set out as a note under section 720 of this title.

§ 762. Research

(a) Federal grants and contracts for certain research projects and related activities

The Secretary, through the Commissioner, and in coordination with other appropriate programs in the Department of Health, Education, and Welfare, is authorized to make grants to and contracts with States and public or non-profit agencies and organizations, including institutions of higher education, to pay part of the cost of projects for the purpose of planning and conducting research, demonstrations, and related activities which bear directly on the development of methods, procedures, and devices to assist in the provision of vocational rehabilitation services to handicapped individuals, especially those with the most severe handicaps, under this chapter. Such projects may include medical and other scientific, technical, methodological, and other investigations into the nature of disability, methods of analyzing it, and restorative techniques; studies and analyses of industrial, vocational, social, psychological, economic, and other factors affecting rehabilitation of handicapped individuals; special problems of homebound and institutionalized individuals; studies analyses, and demonstrations of architectural and engineering design adapted to meet the special needs of handicapped individuals; and related activities which hold promise of increasing knowledge and improving methods in the rehabilitation of handicapped individuals and individuals with the most severe handicaps.

(b) Federal grants for specialized research activities

In addition to carrying out projects under subsection (a) of this section, the Secretary, through the Commissioner, and in coordination with other appropriate programs in the Department of Health, Education, and Welfare, is authorized to make grants to pay part or all of the cost of the following specialized research activities:

(1) Rehabilitation Research and Training Centers; establishment

Establishment and support of Rehabilitation Research and Training Centers to be operated in collaboration with institutions of higher education for the purpose of providing coordinated and advanced programs of research in rehabilitation and training of rehabilitation research personnel, including, but not limited to, graduate training. Grants may include funds for services rendered by such a center to handicapped individuals in connection with such research and training activities.

(2) Rehabilitation Engineering Research Centers; establishment

Establishment and support of Rehabilitation Engineering Research Centers to (A) develop innovative methods of applying advanced medical technology, scientific achievement, and psychological and social knowledge to solve rehabilitation problems through planning and conducting research, including cooperative research with public or private agencies and organizations, designed to pro-

duce new scientific knowledge, equipment, and devices suitable for solving problems in the rehabilitation of handicapped individuals and for reducing environmental barriers, and to (B) cooperate with State agencies designated pursuant to section 721 of this title in developing systems of information exchange and coordination to promote the prompt utilization of engineering and other scientific research to assist in solving problems in the rehabilitation of handicapped individuals.

(3) Spinal cord injury research

Conduct of a program for spinal cord injury research, to include support of spinal cord injuries projects and demonstrations established pursuant to section 773(b) of this title, which will (A) insure dissemination of research findings among all such centers, (B) provide encouragement and support for initiatives and new approaches by individual and institutional investigators, and (C) establish and maintain close working relationships with other governmental and voluntary institutions and organizations engaged in similar efforts, in order to unify and coordinate scientific efforts, encourage joint planning, and promote the interchange of data and reports among spinal cord injury investigators.

(4) End-stage renal disease research; prohibition against participation of persons eligible for services under other provisions of law

Conduct a program for end-stage renal disease research, to include support of projects and demonstrations for providing special services (including transplantation and dialysis), artificial kidneys, and supplies necessary for the rehabilitation of individuals suffering from such disease and which will (A) insure dissemination of research findings, (B) provide encouragement and support for initiatives and new approaches by individual and institutional investigators, and (C) establish and maintain close working relationships with other governmental and voluntary institutions and organizations engaged in similar efforts, in order to unify and coordinate scientific efforts, encourage joint planning, and promote the interchange of data and reports among investigators in the field of end-stage renal disease. No person shall be selected to participate in such program who is eligible for services for such disease under any other provision of law.

(5) International rehabilitation research and development

Conduct of a program for international rehabilitation research, demonstration, and training for the purpose of developing new knowledge and methods in the rehabilitation of handicapped individuals in the United States, cooperating with and assisting in developing and sharing information found useful in other nations in the rehabilitation of handicapped individuals, and initiating a program to exchange experts and technical assistance in the field of rehabilitation of handicapped individuals with other nations as a means of increasing the levels of skill of rehabilitation personnel.

(c) General grant and contract requirements applicable

The provisions of section 776 of this title shall apply to assistance provided under this section, unless the context indicates to the contrary.

(Pub. L. 93-112, title II, § 202, Sept. 26, 1973, 87 Stat. 375; Pub. L. 93-516, title I, § 111(h), Dec. 7, 1974, 88 Stat. 1621; Pub. L. 93-651, title I, § 111(h), Nov. 21, 1974, 89 Stat. 2-6.)

CODIFICATION

For history of Pub. L. 93-651, which enacted amendments identical to Pub. L. 93-516, see Codification note set out under section 701 of this title.

PRIOR PROVISIONS

Prior similar provisions were set out in section 34 of this title.

AMENDMENTS

1974—Subsec. (a). Pub. L. 93-516 substituted “studies, analyses, and demonstrations of architectural and engineering design adapted to meet the special needs of handicapped individuals” for “studies and analyses of architectural and engineering design adapted to meet the special needs of handicapped individuals”.

Pub. L. 93-651, amended subsec. (a) in exactly the same manner as it was amended by Pub. L. 93-516.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 702, 761, 781 of this title; title 38 sections 1904, 4101.

§ 763. Training

(a) Federal grants and contracts for personnel projects relating to training, traineeships, and related activities

The Secretary, through the Commissioner, in coordination with other appropriate programs in the Department of Health, Education, and Welfare, is authorized to make grants to and contracts with States and public or nonprofit agencies and organizations, including institutions of higher education, to pay part of the cost of projects for training, traineeships, and related activities designed to assist in increasing the numbers of personnel trained in providing vocational services to handicapped individuals and in performing other functions necessary to the development of such services.

(b) Balanced program of assistance meeting needs of public and private rehabilitation programs and institutions; description of projects and fields contributing to rehabilitation of handicapped individuals; study period limitation

In making such grants or contracts, funds made available for any year will be utilized to provide a balanced program of assistance to meet the medical, vocational, and other personnel training needs of both public and private rehabilitation programs and institutions, to include projects in rehabilitation medicine, rehabilitation nursing, rehabilitation counseling, rehabilitation social work, rehabilitation psychology, physical therapy, occupational therapy, speech pathology and audiology, workshop and facility administration, prosthetics and orthodontics, specialized personnel in providing services to blind and deaf individuals, recreation for ill and handicapped individuals, and other fields contributing to the rehabilitation of handicapped individuals, including homebound

and institutionalized individuals and handicapped individuals with limited English-speaking ability. No grant shall be made under this section for furnishing to an individual any one course of study extending for a period in excess of four years.

(Pub. L. 93-112, title II, § 203, Sept. 26, 1973, 87 Stat. 376.)

PRIOR PROVISIONS

Prior similar provisions were set out in section 34 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 761 of this title.

§ 764. Annual report to Congress; coverage of research and training activities

There shall be included in the annual report to the Congress required by section 784 of this title a full report on the research and training activities carried out under this subchapter and the extent to which such research and training has contributed directly to the development of methods, procedures, devices, and trained personnel to assist in the provision of vocational rehabilitation services to handicapped individuals and those with the most severe handicaps under this chapter.

(Pub. L. 93-112, title II, § 204, Sept. 26, 1973, 87 Stat. 376.)

SUBCHAPTER III—SPECIAL FEDERAL RESPONSIBILITIES

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 706, 780, 783 of this title.

§ 770. Congressional declaration of purpose

The purpose of this subchapter is to—

(1) authorize grants and contracts to assist in the construction and initial staffing of rehabilitation facilities;

(2) authorize grants and contracts to assist in the provision of vocational training services to handicapped individuals;

(3) authorize grants for special projects and demonstrations which hold promise of expanding or otherwise improving rehabilitation services to handicapped individuals, including individuals with spinal cord injuries, older blind individuals, and deaf individuals whose maximum vocational potential has not been reached, which experiment with new types of patterns of services or devices for the rehabilitation of handicapped individuals (including opportunities for new careers for handicapped individuals, and for other individuals in programs serving handicapped individuals) and which provide vocational rehabilitation services to handicapped migratory agricultural workers or seasonal farmworkers;

(4) establish and operate a National Center for Deaf-Blind Youth and Adults; and

(5) establish uniform grant and contract requirements for programs assisted under this subchapter and certain other provisions of this chapter.

(Pub. L. 93-112, title III, § 300, Sept. 26, 1973, 87 Stat. 377.)

§ 771. Grants for construction of rehabilitation facilities, initial staffing, and planning assistance

(a) Authorization of appropriations; period of availability of moneys

For the purpose of making grants and contracts under this section for construction of rehabilitation facilities, initial staffing, and planning assistance, there is authorized to be appropriated such sums as may be necessary for the fiscal years ending June 30, 1974, June 30, 1975, June 30, 1976, September 30, 1977, and September 30, 1978. Amounts so appropriated shall remain available for expenditure with respect to construction projects funded or initial staffing grants made under this section prior to October 1, 1980.

(b) Rehabilitation facilities construction grants; applications for assistance; general grant and contract requirements applicable; amount

(1) The Secretary is authorized to make grants to assist in meeting the costs of construction of public or nonprofit rehabilitation facilities. Such grants may be made to States and public or nonprofit organizations and agencies for projects for which applications are approved by the Secretary under this section.

(2) To be approved, an application for a grant for a construction project under this section must conform to the provisions of section 776 of this title.

(3) The amount of a grant under this section with respect to any construction project in any State shall be equal to the same percentage of the cost of such project as the Federal share which is applicable in the case of rehabilitation facilities (as defined in section 2910(g) of title 42), in such State, except that if the Federal share with respect to rehabilitation facilities in such State is determined pursuant to subsection (b)(2) of section 2910 of title 42, the percentage of the cost for purposes of this section shall be determined in accordance with regulations prescribed by the Secretary designed to achieve as nearly as practicable results comparable to the results obtained under such subparagraph.

(c) Staffing grants; amount

The Secretary is also authorized to make grants to assist in the initial staffing of any public or nonprofit rehabilitation facility constructed after September 26, 1973 (whether or not such construction was financed with the aid of a grant under this section) by covering part of the costs (determined in accordance with regulations the Secretary shall prescribe) of compensation of professional or technical personnel of such facility during the period beginning with the commencement of the operation of such facility and ending with the close of four years and three months after the month in which such operation commenced. Such grants with respect to any facility may not exceed 75 per centum of such costs for the period ending with the close of the fifteenth month following the month in which such operation commenced, 60 per centum of such costs for the first year thereafter, 45 per centum of such costs for the second year thereafter, and 30 per centum of such costs for the third year thereafter.

(d) Planning grants

The Secretary is also authorized to make grants upon application approved by the State agency designated under section 721 of this title to administer the State plan, to public or nonprofit agencies, institutions, or organizations to assist them in meeting the cost of planning rehabilitation facilities and the services to be provided by such facilities.

(Pub. L. 93-112, title III, § 301, Sept. 26, 1973, 87 Stat. 377; Pub. L. 93-516, title I, § 104, Dec. 7, 1974, 88 Stat. 1618; Pub. L. 93-651, title I, § 104, Nov. 21, 1974, 89 Stat. 2-4; Pub. L. 94-230, §§ 4, 11(b)(7), Mar. 15, 1976, 90 Stat. 211, 213; Pub. L. 94-273, § 3(18), Apr. 21, 1976, 90 Stat. 377.)

CODIFICATION

For history of Pub. L. 93-651, which enacted amendments identical to Pub. L. 93-516, see Codification note set out under section 701 of this title.

PRIOR PROVISIONS

Prior similar provisions were set out in section 41a of this title.

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-273 substituted "October" for "July", which substitution has already been made by section 4 of Pub. L. 94-230. See Amendment note set out below.

Pub. L. 94-230, § 4, extended authorization of appropriation for fiscal year ending Sept. 30, 1977, and substituted "October 1, 1980" for "July 1, 1978".

Pub. L. 94-230, § 11(b)(7), extended authorization of appropriations for fiscal year ending Sept. 30, 1978.

1974—Subsec. (a). Pub. L. 93-516 extended authorization of appropriation for fiscal year ending June 30, 1976, and substituted "July 1, 1978" for "July 1, 1977".

Pub. L. 93-651 amended subsec. (a) in exactly the same manner as it was amended by Pub. L. 93-516.

EXTENSION OF VOCATIONAL REHABILITATION PROGRAMS THROUGH FISCAL YEAR ENDING SEPTEMBER 30, 1978; EFFECTIVE DATE OF 1976 AMENDMENT

For contingency provisions relating to the extensions of program authorizations and to the effective date of such extensions, see section 11(a), (b)(1), and (c) of Pub. L. 94-230, set out as a note under section 720 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 706 of this title.

§ 772. Vocational training services for handicapped individuals

(a) Authorization of appropriations

For the purpose of making grants and contracts under this section, there is authorized to be appropriated such sums as may be necessary for the fiscal years ending June 30, 1974, June 30, 1975, June 30, 1976, September 30, 1977, and September 30, 1978.

(b) Grants; authority of Secretary; individual allowances; factors and limitations; conditions

(1) The Secretary is authorized to make grants to States and public or nonprofit organizations and agencies to pay up to 90 per centum of the cost of projects for providing vocational training services to handicapped individuals, especially those with the most severe handicaps, in public or nonprofit rehabilitation facilities.

(2)(A) Vocational training services for purposes of this subsection shall include training with a view toward career advancement; train-

ing in occupational skills; related services, including work evaluation, work testing, provision of occupational tools and equipment required by the individual to engage in such training, and job tryouts; and payment of weekly allowances to individuals receiving such training and related services.

(B) Such allowances may not be paid to any individual for any period in excess of two years, and such allowances for any week shall not exceed \$30 plus \$10 for each of the individual's dependents, or \$70, whichever is less. In determining the amount of such allowances for any individual, consideration shall be given to the individual's need for such an allowance, including any expenses reasonably attributable to receipt of training services, the extent to which such an allowance will help assure entry into and satisfactory completion of training, and such other factors, specified by the Secretary, as will promote such individual's capacity to engage in gainful and suitable employment.

(3) The Secretary may make a grant for a project pursuant to this subsection only on his determination that (A) the purpose of such project is to prepare handicapped individuals, especially those with the most severe handicaps, for gainful and suitable employment; (B) the individuals to receive training services under such project will include only those who have been determined to be suitable for and in need of such training services by the State agency or agencies designated as provided in section 721(a)(1) of this title of the State in which the rehabilitation facility is located; (C) the full range of training services will be made available to each such individual, to the extent of his need for such services; and (D) the project, including the participating rehabilitation facility and the training services provided, meet such other requirements as he may prescribe in regulations for carrying out the purposes of this subsection.

(c) Operation grants; buildings' use prohibition

(1) The Secretary is authorized to make grants to public or nonprofit rehabilitation facilities, or to an organization or combination of such facilities, to pay the Federal share of the cost of projects to analyze, improve, and increase their professional services to handicapped individuals, their management effectiveness, or any other part of their operations affecting their capacity to provide employment and services for such individuals.

(2) No part of any grant made pursuant to this subsection may be used to pay costs of acquiring, constructing, expanding, remodeling, or altering any building.

(Pub. L. 93-112, title III, § 302, Sept. 26, 1973, 87 Stat. 378; Pub. L. 93-516, title I, § 105, Dec. 7, 1974, 88 Stat. 1619; Pub. L. 93-651, title I, § 105, Nov. 21, 1974, 89 Stat. 2-4; Pub. L. 94-230, §§ 5, 11(b)(8), Mar. 15, 1976, 90 Stat. 212, 213.)

CODIFICATION

For history of Pub. L. 93-651, which enacted amendments identical to Pub. L. 93-516, see Codification note set out under section 701 of this title.

PRIOR PROVISIONS

Prior similar provisions were set out in section 41b of this title.

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-230, § 5, extended authorization of appropriation for fiscal year ending Sept. 30, 1977.

Pub. L. 94-230, § 11(b)(8), extended authorization of appropriations for fiscal year ending Sept. 30, 1978.

1974—Subsec. (a). Pub. L. 93-516 extended authorization of appropriation for fiscal year ending June 30, 1976.

Pub. L. 93-651 amended subsec. (a) in exactly the same manner as it was amended by Pub. L. 93-516.

EXTENSION OF VOCATIONAL REHABILITATION PROGRAMS THROUGH FISCAL YEAR ENDING SEPTEMBER 30, 1978; EFFECTIVE DATE OF 1976 AMENDMENT

For contingency provisions relating to the extensions of program authorizations and to the effective date of such extensions, see section 11(a), (b)(1), and (c) of Pub. L. 94-230, set out as a note under section 720 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 776 of this title.

§ 773. Mortgage insurance for rehabilitation facilities

(a) Statement of purpose

It is the purpose of this section to assist and encourage the provision of urgently needed facilities for programs for handicapped individuals.

(b) Definitions

For the purpose of this section the terms "mortgagee", "maturity date", and "State" shall have the meanings respectively set forth in section 207 of the National Housing Act [12 U.S.C. 1713].

(c) Authority of Secretary; amount; terms and conditions; commitment date; Federal tax exemption of interest

The Secretary, in consultation with the Secretary of Housing and Urban Development, and subject to the provisions of section 776 of this title, is authorized to insure up to 100 per centum of any mortgage (including advances on such mortgage during construction) in accordance with the provisions of this section upon such terms and conditions as he may prescribe and make commitments for insurance of such mortgage prior to the date of its execution or disbursement thereon, except that no mortgage of any public agency shall be insured under this section if the interest from such mortgage is exempt from Federal taxation.

(d) Conditions

In order to carry out the purpose of this section, the Secretary is authorized to insure any mortgage which covers construction of a public or nonprofit rehabilitation facility, including equipment to be used in its operation, subject to the following conditions:

(1) The mortgage shall be executed by a mortgagor, approved by the Secretary, who demonstrates ability successfully to operate one or more programs for handicapped individuals. The Secretary may in his discretion require any such mortgagor to be regulated or restricted as to minimum charges and methods of financing, and, in addition thereto, if the mortgagor is a corporate entity, as to capital structure and rate of return. As an aid to the regulation or restriction of any mortgagor with respect to any of the forego-

ing matters, the Secretary may make such contracts, with and acquire for not to exceed \$100 such stock of¹ interest in, such mortgagor as he may deem necessary. Any stock or interest so purchased shall be paid for out of the Rehabilitation Facilities Insurance Fund (established by subsection (h) of this section), and shall be redeemed by the mortgagor at par upon the termination of all obligations of the Secretary under the insurance.

(2) The mortgage shall involve a principal obligation in an amount not to exceed 90 per centum of the estimated replacement cost of the property or project, including equipment to be used in the operation of the rehabilitation facility, when the proposed improvements are completed and the equipment is installed, but not including any cost covered by grants in aid under this chapter or any other Federal Act.

(3) The mortgage shall—

(A) provide for complete amortization by periodic payments within such term as the Secretary shall prescribe, and

(B) bear interest (exclusive of premium charges for insurance and service charges, if any) at not to exceed such per centum per annum on the principal obligation outstanding at any time as the Secretary finds necessary to meet the mortgage market.

(e) Premium and appraisal charges; annual payment in advance; limitation

The Secretary shall fix and collect premium charges for the insurance of mortgages under this section which shall be payable annually in advance by the mortgagee, either in cash or in debentures of the Rehabilitation Facilities Insurance Fund (established by subsection (h) of this section) issued at par plus accrued interest. In the case of any mortgage such charge shall be not less than an amount equivalent to one-fourth of 1 per centum per annum nor more than an amount equivalent to 1 per centum per annum of the amount of the principal obligation of the mortgage outstanding at any one time, without taking into account delinquent payments or prepayments. In addition to the premium charge herein provided for, the Secretary is authorized to charge and collect such amounts as he may deem reasonable for the appraisal of a property or project during construction, but such charges for appraisal and inspection shall not aggregate more than 1 per centum of the original principal face amount of the mortgage.

(f) Release of property from lien; terms and conditions

The Secretary may consent to the release of a part or parts of the mortgaged property or project from the lien of any mortgage insured under this section upon such terms and conditions as he shall by regulation prescribe.

(g) Functions, powers, and duties of Secretary; formal delegation agreement for delegation of functions; rental housing insurance provisions applicable

(1) The Secretary shall have the same functions, powers, and duties (insofar as applicable) with respect to the insurance of mortgages under this section as the Secretary of Housing

and Urban Development has with respect to the insurance of mortgages under title II of the National Housing Act [12 U.S.C. 1707 et seq.]. The Secretary may, pursuant to a formal delegation agreement containing regulations prescribed by him, delegate to the Secretary of Housing and Urban Development authority to administer this section in accordance with such delegation agreement.

(2) The provisions of subsections (e), (g), (h), (i), (j), (k), (l), and (n) of section 207 of the National Housing Act [12 U.S.C. 1713] shall apply to mortgages insured under this section; except that, for the purposes of their application with respect to such mortgages, all references in such provisions to the General Insurance Fund shall be deemed to refer to the Rehabilitation Facilities Insurance Fund (established by subsection (h) of this section) and all references in such provisions to "Secretary" shall be deemed to refer to the Secretary of Health, Education, and Welfare.

(b) Rehabilitation Facilities Insurance Fund; establishment; revolving fund; charges for general operational expenses of Rehabilitation Services Administration relating to insured mortgages; deposit in Treasury or investment of unused funds; debentures, purchase authority; credits and debits; authorization of appropriations; total mortgage insurance limitation

(1) There is hereby created a Rehabilitation Facilities Insurance Fund which shall be used by the Commissioner as a revolving fund for carrying out all the insurance provisions of this section. All mortgages insured under this section shall be insured under and be the obligation of the Rehabilitation Facilities Insurance Fund.

(2) The general expenses of the operations of the Rehabilitation Services Administration relating to mortgages insured under this section may be charged to the Rehabilitation Facilities Insurance Fund.

(3) Moneys in the Rehabilitation Facilities Insurance Fund not needed for the current operations of the Rehabilitation Services Administration with respect to mortgages insured under this section shall be deposited with the Treasurer of the United States to the credit of such fund, or invested in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, the United States. The Commissioner may, with the approval of the Secretary of the Treasury, purchase in the open market debentures issued as obligations of the Rehabilitation Facilities Insurance Fund. Such purchases shall be made at a price which will provide an investment yield of not less than the yield obtainable from other investments authorized by this section. Debentures so purchased shall be canceled and not issued.

(4) Premium charges, adjusted premium charges, and appraisals and other fees received on account of the insurance of any mortgage under this section, the receipts derived from property covered by such mortgages and from any claims, debts, contracts, property, and security assigned to the Secretary in connection therewith, and all earnings as the assets of the fund, shall be credited to the Rehabilitation Facilities Insurance Fund. The principal of, and

¹So in original. Probably should read "or".

interest paid and to be paid on, debentures which are the obligation of such fund, cash insurance payments, and adjustments, and expense incurred in the handling, management, renovation, and disposal of properties acquired, in connection with mortgages insured under this section, shall be charged to such fund.

(5) There are authorized to be appropriated to provide initial capital for the Rehabilitation Facilities Insurance Fund, and to assure the soundness of such fund thereafter, such sums as may be necessary, except that the total amount of outstanding mortgages insured shall not exceed \$200,000,000.

(Pub. L. 93-112, title III, § 303, Sept. 26, 1973, 87 Stat. 379.)

REFERENCES IN TEXT

The National Housing Act, referred to in subsec. (g)(1), is act June 27, 1934, ch. 847, 48 Stat. 1246, as amended. Title II of the National Housing Act is classified principally to subchapter II (§ 1707 et seq.) of chapter 13 of Title 12, Banks and Banking. For complete classification of this Act to the Code, see section 1701 of Title 12 and Tables volume.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 762 of this title.

§ 774. Special projects and demonstrations

(a) Authorization of appropriations

(1) For the purpose of making grants under this section for special projects and demonstrations (and research and evaluation connected therewith) there is authorized to be appropriated \$15,000,000 for the fiscal year ending June 30, 1974, \$17,000,000 for the fiscal year ending June 30, 1975, \$20,000,000 for the fiscal year ending June 30, 1976, and such sums as may be necessary for the fiscal years ending September 30, 1977, and September 30, 1978; and there is further authorized to be appropriated for such purposes for each such year such additional sums as the Congress may determine to be necessary.

(2) Of the amounts appropriated pursuant to paragraph (1) of this subsection, 5 per centum in each such fiscal year shall be available only for the purpose of making grants under subsection (c) of this section, and there is authorized to be appropriated in each such fiscal year such additional amount as may be necessary to equal, when added to the amount made available for the purpose of making grants under such subsection an amount of \$5,000,000 to be available for each such fiscal year.

(b) Severely handicapped individuals, persons with spinal cord injuries, older blind individuals, and deaf individuals; regional system of multidisciplinary services for spinal cord injuries

The Secretary, subject to the provisions of section 776 of this title, shall make grants to States and public or nonprofit agencies and organizations for paying part or all of the cost of special projects and demonstrations (and research and evaluation in connection therewith) (1) for establishing programs and facilities for providing vocational rehabilitation services which hold promise of expanding or otherwise improving rehabilitation services to handicapped individuals (especially those with the most severe handicaps) including individuals

with spinal cord injuries, older blind individuals, and deaf individuals, whose maximum vocational potential has not been reached, (2) for applying new types or patterns of services or devices (including opportunities for new careers for handicapped individuals or other individuals in programs servicing handicapped individuals) and (3) for operating programs (including renovation and construction of facilities, where appropriate) to demonstrate methods of making recreational activities fully accessible to handicapped individuals. Projects and demonstrations providing services to individuals with spinal cord injuries shall include provisions to—

(A) establish, on an appropriate regional basis, a multidisciplinary system of providing vocational and other rehabilitation services, specifically designed to meet the special needs of individuals with spinal cord injuries, including acute care as well as periodic inpatient or outpatient followup and services;

(B) demonstrate and evaluate the benefits to individuals with spinal cord injuries served in, and the degree of cost effectiveness of, such a regional system;

(C) demonstrate and evaluate existing, new, and improved methods and equipment essential to the care, management, and rehabilitation of individuals with spinal cord injuries; and

(D) demonstrate and evaluate methods of community outreach for individuals with spinal cord injuries and community education in connection with the problems of such individuals in areas such as housing, transportation, recreation, employment, and community activities.

(c) Handicapped migratory agricultural workers and seasonal farmworkers, and their families

The Secretary, subject to the provisions of section 776 of this title, is authorized to make grants to any State agency designated pursuant to a State plan approved under section 721 of this title or to any local agency participating in the administration of such a plan, to pay up to 90 per centum of the cost of projects or demonstrations for the provision of vocational rehabilitation services to handicapped individuals, as determined in accordance with rules prescribed by the Secretary of Labor, who are migratory agricultural workers or seasonal farmworkers, and to members of their families (whether or not handicapped) who are with them, including maintenance and transportation of such individuals and members of their families where necessary to the rehabilitation of such individuals. Maintenance payments under this section shall be consistent with any maintenance payments made to other handicapped individuals in the State under this chapter. Such grants shall be conditioned upon satisfactory assurance that in the provision of such services there will be appropriate cooperation between the grantee and other public or nonprofit agencies and organizations having special skills and experience in the provision of services to migratory agricultural workers, seasonal farmworkers, or their families. This subsection shall be administered in coordination with other programs serving migrant agricultural workers and seasonal farmworkers, including programs under title I of the Elemen-

tary and Secondary Education Act of 1965 [20 U.S.C. 241a et seq.], section 311 of the Economic Opportunity Act of 1964 [42 U.S.C. 2861], the Migrant Health Act [42 U.S.C. 247d], and the Farm Labor Contractor Registration Act of 1963 [7 U.S.C. 2041 et seq.].

(d) Employment programs; contract authority

The Secretary is authorized to make contracts or jointly financed cooperative arrangements with employers and organizations for the establishment of projects designed to prepare handicapped individuals for gainful and suitable employment in the competitive labor market under which handicapped individuals are provided training and employment in a realistic work setting and such other services (determined in accordance with regulations prescribed by the Secretary) as may be necessary for such individuals to continue to engage in such employment.

(e) Technical assistance; compensation and travel expenses

(1) The Secretary is authorized, directly or by contract with State vocational rehabilitation agencies or experts or consultants or groups thereof, to provide technical assistance (A) to rehabilitation facilities, and (B) with the concurrence of the Board established by section 792 of this title, for the purpose of removal of architectural and transportation barriers, to any public or nonprofit agency, institution, organization or facility.

(2) Any such experts or consultants shall, while serving pursuant to such contracts, be entitled to receive compensation at rates fixed by the Secretary, but not exceeding the pro rata pay rate for a person employed as a GS-18, under section 5332 of title 5, including travel-time, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 for persons in the Government service employed intermittently.

(Pub. L. 93-112, title III, § 304, Sept. 26, 1973, 87 Stat. 381; Pub. L. 93-516, title I, §§ 106, 111(i)-(k), Dec. 7, 1974, 88 Stat. 1619, 1621; Pub. L. 93-651, title I, §§ 106, 111(i)-(k), Nov. 21, 1974, 89 Stat. 2-4, 2-6; Pub. L. 94-230, §§ 6, 11(b)(9), Mar. 15, 1976, 90 Stat. 212, 213.)

REFERENCES IN TEXT

The Elementary and Secondary Education Act of 1965, referred to in subsec. (c), is Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27, as amended. Title I of the Elementary and Secondary Education Act of 1965 is classified generally to subchapter II (§ 241a et seq.) of chapter 13 of Title 20, Education. For complete classification of Title I to the Code, see Short Title note set out under section 241a of Title 20 and Tables volume.

The Migrant Health Act, referred to in subsec. (c), means section 319, formerly section 310, of act July 1, 1944, ch. 373, as added by Pub. L. 87-692, Sept. 25, 1962, 76 Stat. 592, which enacted section 247d of Title 42, The Public Health and Welfare.

The Farm Labor Contractor Registration Act of 1963, referred to in subsec. (c), is Pub. L. 88-582, Sept. 7, 1964, 78 Stat. 920, as amended, which is classified generally to chapter 52 (§ 2041 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 2041 of Title 7 and Tables volume.

CODIFICATION

For history of Pub. L. 93-651, which enacted amendments identical to Pub. L. 93-516, see Codification note set out under section 701 of this title.

PRIOR PROVISIONS

Prior similar provisions were set out in sections 31, 34, 41b, and 42b of this title.

AMENDMENTS

1976—Subsec. (a)(1). Pub. L. 94-230, § 6, added provisions authorizing appropriation of such sums as may be necessary for fiscal year ending Sept. 30, 1977.

Pub. L. 94-230, § 11(b)(9), added provisions authorizing appropriation of such sums as may be necessary for the fiscal year ending Sept. 30, 1978.

1974—Subsec. (a)(1). Pub. L. 93-516, § 106, added provisions authorizing appropriation of \$20,000,000 for the fiscal year ending June 30, 1976.

Pub. L. 93-651, § 106, amended subsec. (a)(1) in exactly the same manner as it was amended by Pub. L. 93-516.

Subsec. (b). Pub. L. 93-516, § 111(i)(1), (2), substituted "handicapped individuals or other individuals" for "handicapped individuals for other individuals" in the parenthetical provisions in cl. (2), and added cl. (3).

Pub. L. 93-651, § 111(i)(1), (2), amended subsec. (b) in exactly the same manner as it was amended by Pub. L. 93-516.

Subsec. (c). Pub. L. 93-516, § 111(j), substituted "prescribed by the Secretary of Labor, who are migratory" for "prescribed by the Secretary of Labor, are migratory".

Pub. L. 93-651, § 111(j) amended subsec. (c) in exactly the same manner as it was amended by Pub. L. 93-516.

Subsec. (e)(1). Pub. L. 93-516, § 111(k), substituted "with the concurrence of the Board established by section 792 of this title, for the purpose of" for "for the purpose of" in par. (1)(B).

Pub. L. 93-651, § 111(k), amended subsec. (e)(1) in exactly the same manner as it was amended by Pub. L. 93-516.

EXTENSION OF VOCATIONAL REHABILITATION PROGRAMS THROUGH FISCAL YEAR ENDING SEPTEMBER 30, 1978; EFFECTIVE DATE OF 1976 AMENDMENT

For contingency provisions relating to the extensions of program authorizations and to the effective date of such extensions, see section 11(a), (b)(1), and (c) of Pub. L. 94-230, set out as a note under section 720 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 732 of this title; title 42 section 6081.

§ 775. Helen Keller National Center for Deaf-Blind Youths and Adults

(a) Authorization of appropriations

For the purpose of establishing and operating a Helen Keller National Center for Deaf-Blind Youths and Adults, there is authorized to be appropriated such sums as may be necessary for construction, which shall remain available until expended, and such sums as may be necessary for operations for the fiscal years ending June 30, 1974, June 30, 1975, June 30, 1976, September 30, 1977, and September 30, 1978.

(h) Statement of purposes; agreement for establishment and operation; designation

In order—

(1) to demonstrate methods of (A) providing the specialized intensive services, and other services, needed to rehabilitate handicapped individuals who are both deaf and blind, and

(B) training the professional and allied personnel needed adequately to staff facilities specifically designed to provide such services and training to such personnel who have been or will be working with deaf-blind individuals;

(2) to conduct research in the problems of, and ways of meeting the problems of rehabilitating, deaf-blind individuals; and

(3) to aid in the conduct of related activities which will expand or improve the services for or help improve public understanding of the problems of deaf-blind individuals;

the Secretary, subject to the provisions of section 776 of this title, is authorized to enter into an agreement with any public or nonprofit agency or organization for payment by the United States of all or part of the costs of the establishment and operation, including construction and equipment, of a center for vocational rehabilitation of handicapped individuals who are both deaf and blind, which center shall be known as the Helen Keller National Center for Deaf-Blind Youths and Adults.

(c) Proposals; preference

Any agency or organization desiring to enter into such agreement shall submit a proposal therefor at such time, in such manner, and containing such information as may be prescribed in regulations by the Secretary. In considering such proposals the Secretary shall give preference to proposals which (1) give promise of maximum effectiveness in the organization and operation of the Helen Keller National Center, and (2) give promise of offering the most substantial skill, experience, and capability in providing a broad program of service, research, training, and related activities in the field of rehabilitation of deaf-blind individuals.

(Pub. L. 93-112, title III, § 305, Sept. 26, 1973, 87 Stat. 383; Pub. L. 93-516, title I, § 107, Dec. 7, 1974, 88 Stat. 1619; Pub. L. 93-651, title I, § 107, Nov. 21, 1974, 89 Stat. 2-4; Pub. L. 94-230, §§ 7, 11(b)(10), Mar. 15, 1976, 90 Stat. 212, 213; Pub. L. 94-288, §§ 1, 2, May 21, 1976, 90 Stat. 520.)

CODIFICATION

For history of Pub. L. 93-651, which enacted amendments identical to Pub. L. 93-516, see Codification note set out under section 701 of this title.

PRIOR PROVISIONS

Prior similar provisions were set out in section 42a of this title.

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-288, § 1(a), added "Helen Keller" preceding "National".

Pub. L. 94-230, 7, extended authorization of appropriation for fiscal year ending Sept. 30, 1977.

Pub. L. 94-230, § 11(b)(10), extended authorization of appropriation for fiscal year ending Sept. 30, 1978.

Subsec. (b). Pub. L. 94-288, § 1(a), added "Helen Keller" preceding "National".

Subsec. (c). Pub. L. 94-288, § 1(b), substituted "the Helen Keller National Center" for "such Center".

1974—Subsec. (a). Pub. L. 93-516 extended authorization of appropriation for fiscal year ending June 30, 1976.

Pub. L. 93-651 amended subsec. (a) in exactly the same manner as it was amended by Pub. L. 93-516.

EXTENSION OF VOCATIONAL REHABILITATION PROGRAMS THROUGH FISCAL YEAR ENDING SEPTEMBER 30, 1978; EFFECTIVE DATE OF 1976 AMENDMENT

For contingency provisions relating to the extensions of program authorizations and to the effective date of such extensions, see section 11(a), (b)(1), and (c) of Pub. L. 94-230, set out as a note under section 720 of this title.

§ 776. General grant and contract requirements

(a) Applicability of provisions; compliance with provisions, exceptions

The provisions of this section shall apply to all projects approved and assisted under this subchapter. The Secretary shall insure compliance with this section prior to making any grant or entering into any contract or agreement under this subchapter, except projects authorized under section 772 of this title.

(b) Construction project requirements; assurances; use of funds for intended purposes; report to Congress; plans and specifications; labor standards

To be approved, an application for assistance for a construction project, or for a project which involves construction, under this subchapter must—

(1) contain or be supported by reasonable assurances that (A) for a period of not less than twenty years after completion of construction of the project it will be used as a public or nonprofit facility, (B) sufficient funds will be available to meet the non-Federal share of the cost of construction of the project, and (C) sufficient funds will be available, when construction of the project is completed, for its effective use for its intended purpose;

(2) provide that Federal funds provided to any agency or organization under this subchapter will be used only for the purposes for which provided and in accordance with the applicable provisions of this section and the section under which such funds are provided;

(3) provide that the agency or organization receiving Federal funds under this subchapter will make an annual report to the Secretary, which he shall summarize and comment upon in the annual report to the Congress submitted under section 784 of this title;

(4) be accompanied or supplemented by plans and specifications which have been approved by the Board established by section 792 of this title, in which due consideration shall be given to excellence of architecture and design, and to the inclusion of works of art (not representing more than 1 per centum of the cost of the project), and which comply with regulations prescribed by the Secretary related to minimum standards of construction and equipment (promulgated with particular emphasis on securing compliance with the requirements of the Architectural Barriers Act of 1968 (P.L. 90-480) [42 U.S.C. 4151 et seq.]), and with regulations of the Secretary of Labor relating to occupational health and safety standards for rehabilitation facilities; and

(5) contain or be supported by reasonable assurance that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on any construction

aided by payments pursuant to any grant under this section will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5); and the Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 276c of title 40.

(c) Reservation of grant funds; additional payments

Upon approval of any application for a grant or contract for a project under this subchapter, the Secretary shall reserve, from any appropriation available therefore, the amount of such grant or contract determined under this subchapter. In case an amendment to an approved application is approved, or the estimated cost of a project is revised upward, any additional payment with respect thereto may be made from the appropriation from which the original reservation was made or the appropriation for the fiscal year in which such amendment or revision is approved.

(d) Recovery of Federal share upon cessation of public or nonprofit character of facilities

If, within twenty years after completion of any construction project for which funds have been paid under this subchapter, the facility shall cease to be a public or nonprofit facility, the United States shall be entitled to recover from the applicant or other owner of the facility the amount bearing the same ratio to the then value (as determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated) of the facility, as the amount of the Federal participation bore to the cost of construction of such facility.

(e) Payments; adjustments for overpayments or underpayments; advances; reimbursement; installments; conditions

Payment of assistance or reservation of funds made pursuant to this subchapter may be made (after necessary adjustment on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Secretary may determine.

(f) Workshops; residential accommodations

A project for construction of a rehabilitation facility which is primarily a workshop may, where approved by the Secretary as necessary to the effective operation of the facility, include such construction as may be necessary to provide residential accommodations for use in connection with the rehabilitation of handicapped individuals.

(g) Sectarian activities; funds prohibition

No funds provided under this subchapter may be used to assist in the construction of any facility which is or will be used for religious worship or any sectarian activity.

(h) Execution of direct services to handicapped individuals

When in any State, funds provided under this subchapter will be used for providing direct ser-

vices to handicapped individuals or for establishing facilities which will provide such services, such services must be carried out in a manner not inconsistent with the State plan approved pursuant to section 721 of this title.

(i) State agency commentary on grant or contract.

Prior to making any grant or entering into any contract under this subchapter, the Secretary shall afford reasonable opportunity to the appropriate State agency or agencies designated pursuant to section 721 of this title to comment on such grant or contract.

(Pub. L. 93-112, title III, § 306, Sept. 26, 1973, 87 Stat. 384; Pub. L. 93-516, title I, § 111(l), Dec. 7, 1974, 88 Stat. 1621; Pub. L. 93-651, title I, § 111(l), Nov. 21, 1974, 89 Stat. 2-6.)

REFERENCES IN TEXT

The Architectural Barriers Act of 1968, referred to in subsec. (b)(4), is Pub. L. 90-480, Aug. 12, 1968, 82 Stat. 718, as amended, which is classified generally to chapter 51 (§ 4151 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4151 of Title 42 and Tables volume.

The Davis-Bacon Act, as amended, referred to in subsec. (b)(5), is act Mar. 3, 1931, ch. 411, 46 Stat. 1494, as amended, which is classified generally to sections 276a to 276a-5 of Title 40, Public Buildings, Property, and Works. For complete classification of this Act to the Code, see Short Title note set out under section 276a of Title 40 and Tables volume.

Reorganization Plan Numbered 14 of 1950, referred to in subsec. (b)(5), is Reorg. Plan No. 14 of 1950, eff. May 24, 1950, 15 F.R. 3176, 64 Stat. 1267, which is set out in the Appendix to Title 5, Government Organization and Employees.

CODIFICATION

For history of Pub. L. 93-651, which enacted amendments identical to Pub. L. 93-516, see Codification note set out under section 701 of this title.

PRIOR PROVISIONS

Prior similar provisions were set out in sections 34, 41a, 41b, 42-1, and 42a of this title.

AMENDMENTS

1974—Subsec. (b). Pub. L. 93-516, in provisions preceding par. (1), substituted “a construction project, or for a project which involves construction, under” for “a construction project under”, and in par. (4), substituted “plans and specifications which have been approved by the Board established by section 792 of this title, in which” for “plans and specifications in which”.

Pub. L. 93-651 amended subsec. (b) in exactly the same manner as it was amended by Pub. L. 93-516.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 721, 762, 771, 773, 774, 775 of this title.

SUBCHAPTER IV—ADMINISTRATION AND PROGRAM AND PROJECT EVALUATION

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 702, 706 of this title.

§ 780. Administration

- (a) Technical assistance to States; short-term traineeships; limitation of training or instruction period; specialized fields; information dissemination; promotion of rehabilitation and employment of handicapped individuals

In carrying out his duties under this chapter, the Secretary shall—

- (1) cooperate with, and render technical assistance (directly or by grant or contract) to States in matters relating to the rehabilitation of handicapped individuals;
- (2) provide short-term training and instruction in technical matters relating to vocational rehabilitation services, including the establishment and maintenance of such research fellowships and traineeships, with such stipends and allowances (including travel and subsistence expenses), as he may deem necessary, except that no such training or instruction (or fellowship or scholarship) shall be provided any individual for any one course of study for a period in excess of four years, and such training, instruction, fellowships, and traineeships may be in the fields of rehabilitation medicine, rehabilitation nursing, rehabilitation counseling, rehabilitation social work, rehabilitation psychology, physical therapy, occupational therapy, speech pathology and audiology, prosthetics and orthotics, recreation for ill and handicapped individuals, and other specialized fields contributing to the rehabilitation of handicapped individuals; and
- (3) disseminate information relating to vocational rehabilitation services, and otherwise promote the cause of the rehabilitation of handicapped individuals and their greater utilization in gainful and suitable employment.

- (b) Rules and regulations; publication in Federal Register; delegation of powers and duties

The Secretary is authorized to make rules and regulations governing the administration of this subchapter and subchapters I through III of this chapter, and, except as otherwise provided in this chapter, to delegate to any officer or employee of the United States such of his powers and duties under such subchapters, except the making of rules and regulations, as he finds necessary to carry out the provisions of such subchapters. Such rules and regulations shall be published in the Federal Register, on at least an interim basis, no later than ninety days after September 26, 1973.

- (c) Investigative authority of Secretary

The Secretary is authorized (directly or by grants or contracts) to conduct studies, investigations, and evaluation of the programs authorized by this chapter, and to make reports, with respect to abilities, aptitudes, and capacities of handicapped individuals, development of their potentialities, their utilization in gainful and suitable employment, and with respect to architectural, transportation, and other environmental and attitudinal barriers to their rehabilitation, including the problems of homebound, institutionalized, and older blind individuals.

- (d) Department of Health, Education, and Welfare appropriation; inclusion of sums for administration of chapter

There is authorized to be included for each fiscal year in the appropriation for the Department of Health, Education, and Welfare such sums as are necessary to administer the provisions of this chapter.

- (e) Disabled veterans; program coordination

In carrying out his duties under this chapter, the Secretary shall insure the maximum coordination and consultation, at both national and local levels, with the Administrator of Veterans' Affairs and his designees with respect to programs for and relating to the rehabilitation of disabled veterans carried out under title 38.

(Pub. L. 93-112, title IV, § 400, Sept. 26, 1973, 87 Stat. 385.)

PRIOR PROVISIONS

Prior similar provisions were set out in sections 37, 40, and 41a of this title.

§ 781. Program and project evaluation

- (a) Statement of purpose; persons eligible for conducting evaluations; duties of Secretary; reports to Congressional committees

(1) The Secretary shall measure and evaluate the impact of all programs authorized by this chapter, in order to determine their effectiveness in achieving stated goals in general, and in relation to their cost, their impact on related programs, and their structure and mechanisms for delivery of services, including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such programs. Evaluations shall be conducted by persons not immediately involved in the administration of the program or project evaluated.

(2) In carrying out his responsibilities under this subsection, the Secretary, in the case of research, demonstrations, and related activities carried out under section 762 of this title, shall, after taking into consideration the views of State agencies designated pursuant to section 721 of this title, on an annual basis—

(A) reassess priorities to which such activities should be directed; and

(B) review present research, demonstration, and related activities to determine, in terms of the purpose specified for such activities by subsection (a) of section 762 of this title, whether and on what basis such activities should be continued, revised, or terminated.

(3) The Secretary shall, within 12 months after September 26, 1973, and on each April 1 thereafter, prepare and furnish to the appropriate committees of the Congress a complete report on the determination and review carried out under paragraph (2) of this subsection, together with such recommendations, including any recommendations for additional legislation, as he deems appropriate.

- (b) General evaluation standards; development and publication; renewal or supplementation of financial assistance; description in reports of action taken

Effective July 1, 1974, before funds for the programs and projects covered by this chapter

are released, the Secretary shall develop and publish general standards for evaluation of the programs and project effectiveness in achieving the objectives of this chapter. He shall consider the extent to which such standards have been met in deciding, in accordance with procedures set forth in subsection (b), (c), and (d) of section 721 of this title, whether to renew or supplement financial assistance authorized under any section of this chapter. Reports submitted pursuant to section 784 of this title shall describe the actions taken as a result of these evaluations.

(c) Program participants' views

In carrying out evaluations under this subchapter, the Secretary shall, whenever possible, arrange to obtain the specific views of persons participating in and served by programs and projects assisted under this chapter about such programs and projects.

(d) Evaluative research results and summaries; publication; transmittal to Congressional committees

The Secretary shall publish the results of evaluative research and summaries of evaluations of program and project impact and effectiveness no later than ninety days after the completion thereof. The Secretary shall submit to the appropriate committees of the Congress copies of all such research studies and evaluation summaries.

(e) Property of United States

The Secretary shall take the necessary action to assure that all studies, evaluations, proposals, and data produced or developed with assistance under this chapter shall become the property of the United States.

(Pub. L. 93-112, title IV, § 401, Sept. 26, 1973, 87 Stat. 386.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 721 of this title.

§ 782. Obtaining information from Federal agencies

Such information as the Secretary may deem necessary for purposes of the evaluations conducted under this subchapter shall be made available to him, upon request, by the agencies of the executive branch.

(Pub. L. 93-112, title IV, § 402, Sept. 26, 1973, 87 Stat. 387.)

§ 783. Authorization of appropriations

There is authorized to be appropriated for the fiscal years ending June 30, 1974, June 30, 1975, June 30, 1976, September 30, 1977, and September 30, 1978, such sums as the Secretary may require, but not to exceed an amount equal to one-half of 1 per centum of the funds appropriated under subchapters I, II, and III of this chapter or \$1,000,000, whichever is greater, to be available to conduct program and project evaluations as required by this subchapter.

(Pub. L. 93-112, title IV, § 403, Sept. 26, 1973, 87 Stat. 387; Pub. L. 93-516, title I, § 108, Dec. 7, 1974, 88 Stat. 1619; Pub. L. 93-651, title I, § 108, Nov. 21, 1974, 89 Stat. 2-4; Pub. L. 94-230, §§ 8, 11(b)(11), Mar. 15, 1976, 90 Stat. 212, 213.)

CODIFICATION

For history of Pub. L. 93-651, which enacted amendments identical to Pub. L. 93-516, see Codification note set out under section 701 of this title.

PRIOR PROVISIONS

Prior similar provisions were set out in section 37 of this title.

AMENDMENTS

1976—Pub. L. 94-230, § 8, extended authorization of appropriation for fiscal year ending Sept. 30, 1977.

Pub. L. 94-230, § 11(b)(11), extended authorization of appropriation for fiscal year ending Sept. 30, 1978.

1974—Pub. L. 93-516 extended authorization of appropriation for fiscal year ending June 30, 1976.

Pub. L. 93-651 amended text in exactly the same manner as it was amended by Pub. L. 93-516.

EXTENSION OF VOCATIONAL REHABILITATION PROGRAMS THROUGH FISCAL YEAR ENDING SEPTEMBER 30, 1978; EFFECTIVE DATE OF 1976 AMENDMENT

For contingency provisions relating to the extensions of program authorizations and to the effective date of such extensions, see section 11(a), (b)(1), and (c) of Pub. L. 94-230, set out as a note under section 720 of this title.

§ 784. Reports to President and Congress; contents: statistical data, specific distinguishment of services, and detailed evaluation of subchapter I services

Not later than one hundred and twenty days after the close of each fiscal year, the Secretary shall prepare and submit to the President and to the Congress a full and complete report on the activities carried out under this chapter. Such annual reports shall include (1) statistical data reflecting, with the maximum feasible detail vocational rehabilitation services provided handicapped individuals during the preceding fiscal year, (2) specifically distinguish among rehabilitation closures attributable to physical restoration, placement in competitive employment, extended or terminal employment in a sheltered workshop or rehabilitation facility, employment as a homemaker or unpaid family worker, and provision of other services, and (3) include a detailed evaluation of services provided with assistance under subchapter I of this chapter, especially services to those with the most severe handicaps.

(Pub. L. 93-112, title IV, § 404, Sept. 26, 1973, 87 Stat. 387.)

PRIOR PROVISIONS

Prior similar provisions were set out in section 39 of this title.

FISCAL YEAR TRANSITION PERIOD OF JULY 1, 1976, THROUGH SEPTEMBER 30, 1976, DEEMED PART OF FISCAL YEAR BEGINNING OCTOBER 1, 1976

Fiscal year transition period of July 1, 1976, through Sept. 30, 1976, deemed part of fiscal year beginning Oct. 1, 1976, for purposes of this section, see section 205(11) of Pub. L. 94-274, set out as a note under section 5532 of Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 764, 776, 781, 785 of this title.

§ 785. Secretarial responsibilities

- (a) Comprehensive services, long-range projection: submittal to Congress; analysis of program operation; coordinated and cooperative planning; utilization of engineering and other scientific research in described areas; information clearing-house

It shall be the function of the Secretary, with the assistance of agencies within the Department, other departments and agencies within the Federal Government, handicapped individuals, and public and private agencies and organizations, through the Office of the Secretary, to—

(1) prepare for submission to the Congress within eighteen months after September 26, 1973, a long-range projection for the provision of comprehensive services to handicapped individuals and for programs of research, evaluation, and training related to such services and individuals;

(2) analyze on a continuing basis and include in his report submitted under section 784 of this title, a report on the results of such analysis, program operation to determine consistency with applicable provisions of law, progress toward meeting the goals and priorities set forth in the projection required under clause (1), and the effectiveness of all programs providing services to handicapped individuals, and the elimination of unnecessary duplication and overlap in such programs under the jurisdiction of the Secretary;

(3) encourage coordinated and cooperative planning designed to produce maximum effectiveness, sensitivity, and continuity in the provision of services for handicapped individuals by all programs;

(4) develop means of promoting the prompt utilization of engineering and other scientific research to assist in solving problems in education (including promotion of the development of curriculums stressing barrier free design and the adoption of such curriculums by schools of architecture, design, and engineering), health, employment, rehabilitation, architectural, housing, and transportation barriers, and other areas so as to bring about full integration of handicapped individuals into all aspects of society;

(5) provide a central clearinghouse for information and resource availability for handicapped individuals through (A) the evaluation of systems within the Department of Health, Education, and Welfare, other departments and agencies of the Federal Government, public and private agencies and organizations, and other sources, which provide (i) information and data regarding the location, provision, and availability of services and programs for handicapped individuals, regarding research and recent medical and scientific developments bearing on handicapping conditions (and their prevention, amelioration, causes, and cures), and regarding the current numbers of handicapped individuals and their needs, and (ii) any other such relevant information and data which the Secretary deems necessary; and (B) utilizing the results of such evaluation and existing information systems, the development within such Department of a coordinated system of infor-

mation and data retrieval, which will have the capacity and responsibility to provide general and specific information regarding the information and data referred to in subclause (A) of this clause to the Congress, public and private agencies and organizations, handicapped individuals and their families, professionals in fields serving such individuals, and the general public.

(b) Personnel selection

In selecting personnel to assist in the performance of the functions assigned in subsection (a) of this section, the Secretary shall give special emphasis to qualified handicapped individuals.

(c) Delegation of functions restriction; Office for Handicapped Individuals in office of appropriate Assistant Secretary; establishment

The functions assigned to the Secretary by this section shall not be delegated to any persons not assigned to and operating in the Office of the Secretary, except that he may establish an Office for Handicapped Individuals in the office of an appropriate Assistant Secretary of the Department of Health, Education, and Welfare to carry out such functions. In no event shall any functions under this section be further delegated to any persons with operational responsibilities for carrying out functions authorized under any other section of this chapter or under any other provision of law designed to benefit handicapped individuals.

(d) Authorization of appropriations

There are authorized to be appropriated for carrying out this section \$500,000 each for the fiscal years ending June 30, 1974, and June 30, 1975, \$600,000 for the fiscal year ending June 30, 1976, and \$600,000 for the fiscal years ending September 30, 1977, and September 30, 1978.

(e) Funds, availability; notification of Congressional committees

Not later than thirty days after the appropriation Act containing sums for carrying out the provisions of this chapter is enacted for each fiscal year, the Secretary shall set aside out of sums available to carry out this section or otherwise available pursuant to any other Act, an amount which he determines is necessary and appropriate to enable him to carry out the provisions of this section and shall notify the appropriate committees of the Congress of the amount so set aside, the number of personnel necessary for such purpose, and the basis for his determination under this subsection and his reasons therefor.

(Pub. L. 93-112, title IV, § 405, Sept. 26, 1973, 87 Stat. 338; Pub. L. 93-516, title I, §§ 109, 111(m), Dec. 7, 1974, 88 Stat. 1619, 1621; Pub. L. 93-651, title I, §§ 109, 111(m), Nov. 21, 1974, 89 Stat. 2-4, 2-6; Pub. L. 94-230, §§ 9, 11(b)(12), Mar. 15, 1976, 90 Stat. 212, 213.)

CODIFICATION

For history of Pub. L. 93-651, which enacted amendments identical to Pub. L. 93-516, see Codification note set out under section 701 of this title.

PRIOR PROVISIONS

Prior similar provisions were set out in section 37 of this title.

AMENDMENTS

1976—Subsec. (d). Pub. L. 94-230, § 9, extended authorization of appropriation of \$600,000 for the fiscal year ending Sept. 30, 1977.

Pub. L. 94-230, § 11(b)(12), extended authorization of appropriation of \$600,000 for the fiscal year ending Sept. 30, 1978.

1974—Subsec. (c). Pub. L. 93-516, § 111(m)(1), (2), substituted "Office for Handicapped Individuals" for "Office for the Handicapped", and added provisions relating to the nondelegability of functions under this section.

Pub. L. 93-651, § 111(m)(1), (2), amended subsec. (c) in exactly the same manner as it was amended by Pub. L. 93-516.

Subsec. (d). Pub. L. 93-516, § 109, authorized appropriation of \$600,000 for fiscal year ending June 30, 1976.

Pub. L. 93-651, § 109, amended subsec. (d) in exactly the same manner as it was amended by Pub. L. 93-516.

EXTENSION OF VOCATIONAL REHABILITATION PROGRAMS THROUGH FISCAL YEAR ENDING SEPTEMBER 30, 1978; EFFECTIVE DATE OF 1976 AMENDMENT

For contingency provisions relating to the extensions of program authorizations and to the effective date of such extensions, see section 11(a), (b)(1), and (c) of Pub. L. 94-230, set out as a note under section 720 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 38 sections 1904, 4101.

§ 786. Sheltered workshop study

(a) Original study; wage payments; guidelines

The Secretary shall conduct an original study of the role of sheltered workshops in the rehabilitation and employment of handicapped individuals, including a study of wage payments in sheltered workshops. The study shall incorporate guidelines which are consistent with criteria provided in resolutions adopted by the Committee on Human Resources of the United States Senate or the Committee on Education and Labor of the United States House of Representatives, or both.

(b) Site visits; interviews; consultations

The study shall include site visits to sheltered workshops, interviews with handicapped trainees or clients, and consultations with interested individuals and groups and State agencies designated pursuant to section 721 of this title.

(c) Conflict of interests

Any contracts awarded for the purpose of carrying out all or part of this study shall not be made with individuals or groups with a financial or other direct interest in sheltered workshops.

(d) Report to Congress

The Secretary shall report to the Congress his findings and recommendations with respect to such study within twenty-four months after September 26, 1973.

(Pub. L. 93-112, title IV, § 406, Sept. 26, 1973, 87 Stat. 389; S. Res. 4, Feb. 4, 1977.)

CHANGE OF NAME

The Committee on Labor and Public Welfare of the Senate was abolished and replaced by the Committee on Human Resources of the Senate, effective Feb. 11, 1977. See Rule XXV of the Standing Rules of the Senate, as amended by Senate Resolution 4 (popularly

cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

§ 787. State allocation study; report to Congress

(a) The Secretary shall conduct a thorough study of the allotment of funds among the States for grants for basic vocational rehabilitation services authorized under part B of subchapter I of this chapter, including a consideration of—

(1) the needs of individuals requiring vocational rehabilitation services;

(2) the financial capability of the States to furnish vocational rehabilitation assistance including, on a State-by-State basis, per capita income, per capita costs of services rendered, State tax rates, and the ability and willingness of a State to provide the non-Federal share of the costs of rendering such services;

(3) the continuing demand upon the State to furnish vocational rehabilitation services, together with a consideration of the factor that no State would receive less Federal financial assistance under such part than it received under section 2 of the Vocational Rehabilitation Act in the fiscal year immediately prior to the enactment of this chapter.

(b) Not later than June 30, 1974, the Secretary shall report to the Congress his findings and recommendations, including recommendations for additional legislation, with respect to the study required by this section, which report shall include recommendations with respect to allotment of Federal funds among the States and the Federal share of the cost of furnishing vocational rehabilitation services by the States.

(Pub. L. 93-112, title IV, § 407, Sept. 26, 1973, 87 Stat. 389.)

REFERENCES IN TEXT

Section 2 of Vocational Rehabilitation Act, referred to in subsec. (a)(3), is section 2 of act June 2, 1920, ch. 219, 41 Stat. 735, as amended, which provided for grants to States for vocational rehabilitation services, including computation of allotments, amount of payments, adjusted Federal shares, and private contributions for construction or establishment of facilities, and which was classified to section 32 of this title. Section 32 was repealed by section 500(a) of Pub. L. 93-112, effective 90 days after Sept. 26, 1973, and is now covered by sections 724, 730, and 731 of this title. See section 790 of this title.

SUBCHAPTER V—MISCELLANEOUS PROVISIONS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 702, 706 of this title.

§ 790. Existing law affected; references in other provisions; availability of unexpended appropriations; savings provision; extension of appropriations

(a) The Vocational Rehabilitation Act is repealed ninety days after September 26, 1973, and references to such Vocational Rehabilitation Act in any other provision of law shall, ninety days after such date, be deemed to be references to the Rehabilitation Act of 1973. Unexpended appropriations for carrying out the Vocational Rehabilitation Act may be made available to carry out this chapter, as directed

by the President. Approved State plans for vocational rehabilitation, approved projects, and contractual arrangements authorized under the Vocational Rehabilitation Act will be recognized under comparable provisions of this chapter so that there is no disruption of ongoing activities for which there is continuing authority.

(b) The authorizations of appropriations in the Vocational Rehabilitation Act are hereby extended at the level specified for the fiscal year 1972 for the fiscal year 1973.

(Pub. L. 93-112, title V, § 500, Sept. 26, 1973, 87 Stat. 390.)

REFERENCES IN TEXT

Vocational Rehabilitation Act, referred to in text, is act June 2, 1920, ch. 219, 41 Stat. 735, which was classified generally to chapter 4 (§ 31 et seq.) of this title. For complete classification of this Act to the Code, see Tables Volume.

The Rehabilitation Act of 1973, referred to in subsec. (a), is Pub. L. 93-112, Sept. 26, 1973, 87 Stat. 355, which is classified generally to this chapter (§ 701 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 701 of this title and Tables volume.

DELEGATION OF AUTHORITY OF THE PRESIDENT

For the designation and empowering of the Director of the Office of Management and Budget to exercise, without approval, ratification, or any other action of the President, the authority of the President under subsec. (a) of this section with respect to the transfer of unexpended appropriations, see Ex. Ord. No. 11758, Jan. 15, 1974, 39 F.R. 2075, as amended, set out under section 701 of this title.

§ 791. Employment of handicapped individuals

(a) Interagency Committee on Handicapped Employees; establishment; membership; co-chairmen; availability of other Committee resources; purpose and functions

There is established within the Federal Government an Interagency Committee on Handicapped Employees (hereinafter in this section referred to as the "Committee"), comprised of such members as the President may select, including the following (or their designees whose positions are Executive Level IV or higher): the Chairman of the Civil Service Commission, the Administrator of Veterans' Affairs, and the Secretaries of Labor and Health, Education, and Welfare. The Secretary of Health, Education, and Welfare and the Chairman of the Civil Service Commission shall serve as co-chairmen of the Committee. The resources of the President's Committees on Employment of the Handicapped and on Mental Retardation shall be made fully available to the Committee. It shall be the purpose and function of the Committee (1) to provide a focus for Federal and other employment of handicapped individuals, and to review, on a periodic basis, in cooperation with the Civil Service Commission, the adequacy of hiring, placement, and advancement practices with respect to handicapped individuals, by each department, agency, and instrumentality in the executive branch of Government, and to insure that the special needs of such individuals are being met; and (2) to consult with the Civil Service Commission to assist the Commission to carry out its responsibilities under subsections (b), (c), and (d) of this section. On the basis of such review and consulta-

tion, the Committee shall periodically make to the Civil Service Commission such recommendations for legislative and administrative changes as it deems necessary or desirable. The Civil Service Commission shall timely transmit to the appropriate committees of Congress any such recommendations.

(b) Federal agencies; affirmative action program plans

Each department, agency, and instrumentality (including the United States Postal Service and the Postal Rate Commission) in the executive branch shall, within one hundred and eighty days after September 26, 1973, submit to the Civil Service Commission and to the Committee an affirmative action program plan for the hiring, placement, and advancement of handicapped individuals in such department, agency, or instrumentality. Such plan shall include a description of the extent to which and methods whereby the special needs of handicapped employees are being met. Such plan shall be updated annually, and shall be reviewed annually and approved by the Commission, if the Commission determines, after consultation with the Committee, that such plan provides sufficient assurances, procedures and commitments to provide adequate hiring, placement, and advancement opportunities for handicapped individuals.

(c) State agencies; rehabilitated individuals, employment

The Civil Service Commission, after consultation with the Committee, shall develop and recommend to the Secretary for referral to the appropriate State agencies, policies and procedures which will facilitate the hiring, placement, and advancement in employment of individuals who have received rehabilitation services under State vocational rehabilitation programs, veterans' programs, or any other program for handicapped individuals, including the promotion of job opportunities for such individuals. The Secretary shall encourage such State agencies to adopt and implement such policies and procedures.

(d) Report to Congressional committees

The Civil Service Commission, after consultation with the Committee, shall, on June 30, 1974, and at the end of each subsequent fiscal year, make a complete report to the appropriate committees of the Congress with respect to the practices of and achievements in hiring, placement, and advancement of handicapped individuals by each department, agency, and instrumentality and the effectiveness of the affirmative action programs required by subsection (b) of this section, together with recommendations as to legislation which have been submitted to the Civil Service Commission under subsection (a) of this section, or other appropriate action to insure the adequacy of such practices. Such report shall also include an evaluation by the Committee of the effectiveness of the Civil Service Commission's activities under subsections (b) and (c) of this section.

(e) Federal work experience without pay; non-Federal status

An individual who, as a part of his individualized written rehabilitation program under a

State plan approved under this chapter, participates in a program of unpaid work experience in a Federal agency, shall not, by reason thereof, be considered to be a Federal employee or to be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

(f) Federal agency cooperation; special consideration for positions on President's Committee on Employment of the Handicapped

(1) The Secretary of Labor and the Secretary of Health, Education, and Welfare are authorized and directed to cooperate with the President's Committee on Employment of the Handicapped in carrying out its functions.

(2) In selecting personnel to fill all positions on the President's Committee on Employment of the Handicapped, special consideration shall be given to qualified handicapped individuals.

(Pub. L. 93-112, title V, § 501, Sept. 26, 1973, 87 Stat. 390.)

REFERENCES IN TEXT

Level IV of the Executive Schedule, referred to in subsec. (a), is set out in section 5315 of Title 5, Government Organization and Employees.

PRIOR PROVISIONS

Prior similar provisions were set out in section 38 of this title.

FISCAL YEAR TRANSITION PERIOD OF JULY 1, 1976, THROUGH SEPTEMBER 30, 1976, DEEMED PART OF FISCAL YEAR BEGINNING OCTOBER 1, 1976

Fiscal year transition period of July 1, 1976, through Sept. 30, 1976, deemed part of fiscal year beginning Oct. 1, 1976, for purposes of subsec. (d) of this section, see section 205(11) of Pub. L. 94-274, set out as a note under section 5532 of Title 5, Government Organization and Employees.

EXECUTIVE ORDER No. 10640

Ex. Ord. No. 10640, Oct. 10, 1955, 20 F.R. 7717, formerly set out as a note under section 39 of this title, which related to President's Committee on Employment of the Physically Handicapped, was superseded by section 6(a) of Ex. Ord. No. 10994, Feb. 14, 1962, 27 F.R. 1447, which established President's Committee on Employment of the Handicapped.

EXECUTIVE ORDER No. 10994

Ex. Ord. No. 10994, Feb. 14, 1962, 27 F.R. 1447, as amended by Ex. Ord. No. 11018, Apr. 27, 1962, 27 F.R. 4143, which established the President's Committee on Employment of the Handicapped, was superseded by Ex. Ord. No. 11480, Sept. 9, 1969, 34 F.R. 14273, set out as a note below.

EX. ORD. No. 11480. PRESIDENT'S COMMITTEE ON EMPLOYMENT OF THE HANDICAPPED

Ex. Ord. No. 11480, Sept. 9, 1969, 34 F.R. 14273, provided:

By virtue of the authority vested in me as President of the United States, and in order to provide for the carrying out of the provisions of the Joint Resolution approved July 11, 1949, ch. 302, 63 Stat. 409, as amended, and the provisions of section 8 of the Vocational Rehabilitation Act, as amended (29 U.S.C. 38), it is ordered as follows:

SECTION 1. Establishment and composition of the President's Committee. (a) There is hereby established the President's Committee on Employment of the Handicapped (hereinafter referred to as the Committee or as the President's Committee).

(b) The Committee shall be composed of a Chairman and not more than four Vice Chairmen, who shall be appointed by and serve at the pleasure of the President, and of so many other members as may be appointed thereto from time to time by the Chairman of the President's Committee from among persons (including representatives of organizations) who can contribute to the achievement of the objectives of the Committee. Members appointed by the Chairman shall be appointed for a term of three years and may be reappointed. The Chairman of the President's Committee may at any time terminate the service of any member of the President's Committee, except any member appointed by the President.

(c) The Chairman of the President's Committee, upon the advice of the Executive Committee (hereinafter provided for), may designate as, or invite to be, associate members of the President's Committee any heads of Federal departments and agencies which have responsibility for rehabilitation services or promotional activities touching the field of interest of the Committee or which are leading employers of handicapped personnel.

(d) Representatives of industry, labor, public and private agencies, and other concerned organizations and individuals may be invited to attend meetings of the Committee.

SEC. 2. Functions of the Committee. The President's Committee shall facilitate the development of maximum employment opportunities for the physically handicapped, mentally retarded, and mentally restored. To this end the Committee shall supply information to employers, labor unions, and national and international organizations, conduct a program of public education, promote cooperation between organizations and agencies, and enlist the support of Federal officials, State and local officials, Governors' and local Committees on Employment of the Handicapped, professional organizations, organized labor, and appropriate international organizations. In carrying out the functions vested in it by section 8 of the Vocational Rehabilitation Act, as amended, the Committee shall work closely with the Department of Labor, Department of Health, Education, and Welfare, the Veterans Administration, State employment-security agencies, and State vocational rehabilitation agencies.

SEC. 3. Executive Committee. (a) There is hereby established the Executive Committee of the President's Committee on Employment of the Handicapped. The Executive Committee shall be composed of the Chairman of the President's Committee, who shall also be the Chairman of the Executive Committee, the Vice Chairmen of the President's Committee, and so many additional members as will provide an Executive Committee of not less than fifteen and not more than fifty members. The said additional members shall be appointed annually by the Chairman of the President's Committee, from among the members of the President's Committee or otherwise. The Chairman of the President's Committee may at any time terminate the service of any member of the Executive Committee.

(b) The Executive Committee shall advise and assist the Chairman of the President's Committee in the conduct of the business of the President's Committee and, as authorized by the President's Committee or the Chairman thereof (with due regard for the responsibilities of other Federal agencies), shall study the problems of the handicapped in obtaining and retaining suitable employment, invite authorities in the various professional, technical, and other pertinent fields to assist in the exploration of those problems, and review and develop plans and projects for promoting the employment of the handicapped.

SEC. 4. Advisory Council. There is hereby established the Advisory Council on Employment of the Handicapped, which shall advise the President's Committee with respect to the responsibilities of the Committee. The Council shall be composed of the Chairman of the President's Committee, who shall also be the Chairman of the Council, and of the following-named officers, or their respective alternatives: The Secretary

of Agriculture, the Secretary of Commerce, the Secretary of Labor, the Secretary of Health, Education, and Welfare, the Secretary of Housing and Urban Development, the Secretary of Transportation, the Administrator of Veterans' Affairs, and the Chairman of the United States Civil Service Commission.

Sec. 5. Administrative and incidental matters. (a) The President's Committee, the Executive Committee, and the Advisory Council shall each meet on call of the Chairman of the President's Committee at a time and place designated by him. In the case of the President's Committee and the Executive Committee, the Chairman shall call at least one meeting and two meetings, respectively, to be held during each calendar year.

(b) In the absence of designation by the President, the Chairman of the President's Committee may from time to time designate a Vice Chairman of the President's Committee to be one or more of the following named in the absence of the Chairman: Acting Chairman of the President's Committee, Acting Chairman of the Executive Committee, and Acting Chairman of the Advisory Council. The Chairman of the President's Committee shall from time to time assign other duties to the Vice Chairman thereof.

(c) The Chairman of the President's Committee shall on behalf of the President direct the President's Committee and its functions.

(d) The Chairman may from time to time prescribe such necessary rules, procedures, and policies relating to the President's Committee, the Executive Committee, and the Advisory Council, and their affairs, as are not inconsistent with law or with the provisions of this order.

(e) The Vice Chairmen shall advise and counsel the Committee and shall represent the Committee on appropriate occasions.

(f) All members (including the Chairman and Vice Chairmen) of the President's Committee, the Executive Committee, and the Advisory Council shall serve without compensation. The Chairman and the Vice Chairmen of the President's Committee may receive transportation and per diem allowances as authorized by law for persons serving without compensation.

(g) Employees of the President's Committee shall be appointed, subject to law, and shall be directed, by the Chairman of the Committee. To such extent as may be mutually arranged by the Chairman of the Committee and the Secretary of Labor, employees of the Committee shall be subject to the administrative rules, regulations, and procedures of the Department of Labor.

(h) The Department of Labor is requested to make available to the President's Committee necessary office space and to furnish the Committee, under such arrangements respecting financing as may be appropriate, necessary equipment, supplies, and services. The estimates of appropriations for the operations of the Committee shall be included within the framework of the appropriation structure of the Department of Labor, in such manner as the Director of the Bureau of the Budget may prescribe. The Chairman of the Committee, in cooperation with the Assistant Secretary for Administration of the Department of Labor, shall be responsible for the preparation and justification of the estimates of appropriations for the Committee.

Sec. 6. Prior orders; transitions. (a) To the extent that this order is inconsistent with any provision of any prior order, or with any provision of any regulation or other measure or disposition, heretofore issued, made, or taken by the President or by any other officer of the executive branch of the Government, this order shall control. Executive Order No. 10994 of February 14, 1962, and Executive Order No. 11018 of April 27, 1962, are hereby superseded.

(b) Without further action by the President or the Chairman of the Committee, all members, employees, records, property, funds, and pending business of the President's Committee on Employment of the Handicapped provided for in Executive Order No. 10994 of

February 14, 1962, as amended, shall on the date of this order become members, employees, records, property, funds and pending business of the Committee established by this order.

(c) The tenure of persons as members of the Committee in pursuance of the provisions of section 6(b) of this order, (i), in the case of persons appointed to the predecessor Committee by the President, shall be at the pleasure of the President, and (ii), in the case of other members, shall be for periods equal to their respective unexpired terms under Executive Order No. 10994, as amended, but shall also be subject to the provisions of the last sentence of section 1(b) of this order.

RICHARD NIXON.

EX. ORD. No. 11830. ENLARGING MEMBERSHIP OF INTERAGENCY COMMITTEE ON HANDICAPPED EMPLOYEES

Ex. Ord. No. 11830, Jan. 9, 1975, 40 F.R. 2411, provided:

By virtue of the authority vested in me by section 501(a) of the Rehabilitation Act of 1973 (Public Law 93-112; 87 Stat. 390) [subsec. (a) of this section], it is hereby ordered as follows:

SECTION 1. The Interagency Committee on Handicapped Employees shall be comprised of the following (or their designees whose positions are executive level IV or higher):

- (1) The Secretary of Defense.
- (2) The Secretary of Labor.
- (3) The Secretary of Health, Education, and Welfare.
- (4) The Chairman of the Civil Service Commission.
- (5) The Administrator of Veterans Affairs.
- (6) The Administrator of General Services.
- (7) The Chairman of the Federal Communications Commission, and
- (8) such other members as the President may, from time to time, designate.

SEC. 2. The Secretary of Health, Education, and Welfare and the Chairman of the Civil Service Commission, under the provisions of section 501(a) of the Rehabilitation Act of 1973 [subsec. (a) of this section], shall serve as Co-chairmen of the Committee.

GERALD R. FORD.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 38 section 2014.

§ 792. Architectural and Transportation Barriers Compliance Board

(a) Establishment; membership; chairman; appointment of Consumer Advisory Panel

There is established within the Federal Government the Architectural and Transportation Barriers Compliance Board (hereinafter referred to as the "Board") which shall be composed of the heads of each of the following departments or agencies (or their designees whose positions are Executive Level IV or higher):

- (1) Department of Health, Education, and Welfare;
- (2) Department of Transportation;
- (3) Department of Housing and Urban Development;
- (4) Department of Labor;
- (5) Department of the Interior;
- (6) Department of Defense;
- (7) General Services Administration;
- (8) United States Postal Service; and
- (9) Veterans' Administration.

The Secretary of Health, Education, and Welfare shall be the Chairman of the Board, and the Board shall appoint, upon recommendation of the Secretary, a Consumer Advisory Panel, a majority of the members of which shall be

handicapped individuals, to provide guidance, advice, and recommendations to the Board in carrying out its functions.

(h) Functions

It shall be the function of the Board to: (1) insure compliance with the standards prescribed by the General Services Administration, the Department of Defense, and the Department of Housing and Urban Development pursuant to the Architectural Barriers Act of 1968 (Public Law 94-480), as amended by the Act of March 5, 1970 (Public Law 91-205) [42 U.S.C. 4151 et seq.]; (2) investigate and examine alternative approaches to the architectural, transportation, and attitudinal barriers confronting handicapped individuals, particularly with respect to public buildings and monuments, parks and parklands, public transportation (including air, water, and surface transportation whether interstate, foreign, intrastate, or local), and residential and institutional housing; (3) determine what measures are being taken by Federal, State, and local governments and by other public or nonprofit agencies to eliminate the barriers described in clause (2) of this subsection; (4) promote the use of the International Accessibility Symbol in all public facilities that are in compliance with the standards prescribed by the Administrator of the General Services Administration, the Secretary of Defense, and the Secretary of Housing and Urban Development pursuant to the Architectural Barriers Act of 1968; (5) make to the President and to Congress reports which shall describe in detail the results to its investigations under clauses (2) and (3) of this subsection; and (6) make to the President and to the Congress such recommendations for legislation and administration as it deems necessary or desirable to eliminate the barriers described in clause (2) of this subsection.

(c) Additional functions; transportation barriers and housing needs; transportation and housing plans and proposals

The Board shall also (1)(A) determine how and to what extent transportation barriers impede the mobility of handicapped individuals and aged handicapped individuals and consider ways in which travel expenses in connection with transportation to and from work for handicapped individuals can be met or subsidized when such individuals are unable to use mass transit systems or need special equipment in private transportation, and (B) consider the housing needs of handicapped individuals; (2) determine what measures are being taken, especially by public and other nonprofit agencies and groups having an interest in and a capacity to deal with such problems, (A) to eliminate barriers from public transportation systems (including vehicles used in such systems), and to prevent their incorporation in new or expanded transportation systems and (B) to make housing available and accessible to handicapped individuals or to meet sheltered housing needs; and (3) prepare plans and proposals for such further actions as may be necessary to the goals of adequate transportation and housing for handicapped individuals, including proposals for bringing together in a cooperative effort, agencies, organizations, and groups already

working toward such goals or whose cooperation is essential to effective and comprehensive action.

(d) Investigations; hearings; orders; administrative procedure applicable; final orders

In carrying out its functions under this chapter, the Board shall, directly or through grants to or contracts with public or private nonprofit organizations, carry out its functions under subsections (b) and (c) of this section, and shall conduct investigations, hold public hearings, and issue such orders as it deems necessary to insure compliance with the provisions of the Acts cited in subsection (b) of this section. The provisions of subchapter II of chapter 5, and chapter 7, of title 5 shall apply to procedures under this section, and an order of compliance issued by the Board shall be a final order for purposes of judicial review. Any such order affecting any Federal department, agency, or instrumentality of the United States shall be final and binding on such department, agency, or instrumentality. An order of compliance may include the withholding or suspension of Federal funds with respect to any building found not to be in compliance with standards prescribed pursuant to the Acts cited in subsection (b) of this section.

(e) Appointment of executive director, hearing examiners, and other personnel; provisions applicable

There shall be appointed by the Board an executive director and such other professional and clerical personnel as are necessary to carry out its functions under this chapter. The Board is authorized to appoint as many hearing examiners as are necessary for proceedings required to be conducted under this section. The provisions applicable to hearing examiners appointed under section 3105 of title 5 shall apply to hearing examiners appointed under this subsection.

(f) Technical, administrative, or other assistance; appointment, compensation, and travel expenses of advisory and technical experts and consultants

The departments or agencies specified in subsection (a) of this section shall make available to the Board such technical, administrative, or other assistance as it may require to carry out its functions under this section, and the Board may appoint such other advisers, technical experts, and consultants as it deems necessary to assist it in carrying out its functions under this section. Special advisory and technical experts and consultants appointed pursuant to this subsection shall, while performing their functions under this section, be entitled to receive compensation at rates fixed by the Secretary, but not exceeding the daily pay rate, for a person employed as a GS-18 under section 5332 of title 5, including traveltime, and while serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of such title 5 for persons in the Government service employed intermittently.

(g) Reports to Congress; final reports on transportation barriers and housing needs

The Board shall, at the end of each fiscal year, report its activities during the preceding fiscal year to the Congress. Such report shall

include an assessment of the extent of compliance with the Acts cited in subsection (b) of this section, along with a description and analysis of investigations made and actions taken by the Board, and the reports and recommendations described in clauses (5) and (6) of subsection (b) of this section. The Board shall prepare two final reports of its activities under subsection (c) of this section. One such report shall be on its activities in the field of transportation barriers to handicapped individuals, and the other such report shall be on its activities in the field of the housing needs of handicapped individuals. The Board shall, not later than September 30, 1975, submit each such report, together with its recommendations, to the President and the Congress. The Board shall also prepare for such submission an interim report of its activities in each such field within 18 months after September 26, 1973.

(h) Authorization of appropriations

There are authorized to be appropriated for the purpose of carrying out the duties and functions of the Board under this section \$1,000,000 each for the fiscal years ending June 30, 1974, and June 30, 1975, and \$1,500,000 for the fiscal year ending June 30, 1976, and \$1,500,000 for the fiscal years ending September 30, 1977, and September 30, 1978.

(Pub. L. 93-112, title V, § 502, Sept. 26, 1973, 87 Stat. 391; Pub. L. 93-516, title I, §§ 110, 111(n)-(q), Dec. 7, 1974, 88 Stat. 1619, 1621, 1622; Pub. L. 93-651, title I, §§ 110, 111(n)-(q), Nov. 21, 1974, 89 Stat. 2-4, 2-6, 2-7; Pub. L. 94-230, §§ 10, 11(b)(13), Mar. 13, 1976, 90 Stat. 212, 214.)

REFERENCES IN TEXT

Level IV of the Executive Schedule, referred to in subsec. (a), is set out in section 5315 of Title 5, Government Organization and Employees.

The Architectural Barriers Act of 1968, referred to in subsec. (b), is Pub. L. 90-480, Aug. 12, 1968, 82 Stat. 718, as amended, which is classified generally to chapter 51 (§ 4151 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4151 of Title 42, Tables volume.

CODIFICATION

Section 5332 of title 5, referred to in subsec. (f), read title "45" in the original and was changed to reflect the Congressional intent made manifest in the subsequent text reading "such title 5".

For history of Pub. L. 93-651, which enacted amendments identical to Pub. L. 93-516, see Codification note set out under section 701 of this title.

AMENDMENTS

1976—Subsec. (h). Pub. L. 94-230, § 10, authorized appropriation of \$1,500,000 for the fiscal year ending Sept. 30, 1977.

Pub. L. 94-230, § 11(b)(13), authorized appropriation of \$1,500,000 for the fiscal year ending Sept. 30, 1978.

1974—Subsec. (a). Pub. L. 93-516, § 111(n), redesignated cls. (6), (7), and (8), as cls. (7), (8), and (9), added cl. (6), and following the designated clauses, added provisions that the Secretary of Health, Education, and Welfare shall be the Chairman of the Board, and that the Board shall appoint, upon recommendation of the Secretary, a Consumer Advisory Panel, a majority of the members of which shall be handicapped individuals, to provide guidance, advice, and recommendations to the Board in carrying out its functions.

Pub. L. 93-651, § 111(n), amended subsec. (a) in exactly the same manner as it was amended by Pub. L. 93-516.

Subsec. (d). Pub. L. 93-516, § 111(o), substituted "this chapter, the Board shall, directly or through grants to or contracts with public or private nonprofit organizations, carrying out its functions under subsections (b) and (c) of this section, and shall conduct" for "this section, the Board shall conduct", and added provisions that any such order affecting any Federal department, agency, or instrumentality of the United States shall be final and binding on such department, agency, or instrumentality, and that an order of compliance may include the withholding or suspension of Federal funds with respect to any building found not to be in compliance with standards prescribed pursuant to the Acts referred to in subsec. (b) of this section.

Pub. L. 93-651, 111(o), amended subsec. (d) in exactly the same manner as it was amended by Pub. L. 93-516.

Subsec. (e). Pub. L. 93-516, § 111(p), added provisions relating to the appointment of an executive director and other professional and clerical personnel.

Pub. L. 93-651, § 111(p), amended subsec. (e) in exactly the same manner as it was amended by Pub. L. 93-516.

Subsec. (g). Pub. L. 93-516, § 111(q), substituted "not later than September 30, 1975" for "prior to January 1, 1975".

Pub. L. 93-651, § 111(q), amended subsec. (g) in exactly the same manner as it was amended by Pub. L. 93-516.

Subsec. (h). Pub. L. 93-516, § 110, authorized appropriation of \$1,500,000 for fiscal year ending June 30, 1976.

Pub. L. 93-651, § 110, amended subsec. (h) in exactly the same manner as it was amended by Pub. L. 93-516.

FISCAL YEAR TRANSITION PERIOD OF JULY 1, 1976, THROUGH SEPTEMBER 30, 1976, DEEMED PART OF FISCAL YEAR BEGINNING OCTOBER 1, 1976

Fiscal year transition period of July 1, 1976, through Sept. 30, 1976, deemed part of fiscal year beginning Oct. 1, 1976, for purposes of subsec. (g) of this section, see section 205(11) of Pub. L. 94-274, set out as a note under section 5532 of Title 5, Government Organization and Employees.

EXTENSION OF VOCATIONAL REHABILITATION PROGRAMS THROUGH FISCAL YEAR ENDING SEPTEMBER 30, 1978; EFFECTIVE DATE OF 1976 AMENDMENT

For contingency provisions relating to the extensions of program authorizations and to the effective date of such extensions, see section 11(a), (b)(1), and (c) of Pub. L. 94-230, set out as a note under section 720 of this title.

TERMINATION OF ADVISORY PANELS

Advisory panels established after Jan. 5, 1973, to terminate not later than the expiration of the two-year period beginning on the date of their establishment, unless, in the case of a panel established by the President or an officer of the Federal Government, such panel is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a panel established by the Congress, its duration is otherwise provided for by law, see sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 774, 776 of this title; title 42 section 4157.

§ 793. Employment under Federal contracts**(a) Amount of contracts or subcontracts; provision for employment and advancement of qualified handicapped individuals; regulations**

Any contract in excess of \$2,500 entered into by any Federal department or agency for the procurement of personal property and nonpersonal services (including construction) for the United States shall contain a provision requiring that, in employing persons to carry out such contract the party contracting with the United States shall take affirmative action to employ and advance in employment qualified handicapped individuals as defined in section 706(6) of this title. The provisions of this section shall apply to any subcontract in excess of \$2,500 entered into by a prime contractor in carrying out any contract for the procurement of personal property and nonpersonal services (including construction) for the United States. The President shall implement the provisions of this section by promulgating regulations within ninety days after September 26, 1973.

(b) Administrative enforcement; complaints; investigations; departmental action

If any handicapped individual believes any contractor has failed or refuses to comply with the provisions of his contract with the United States, relating to employment of handicapped individuals, such individual may file a complaint with the Department of Labor. The Department shall promptly investigate such complaint and shall take such action thereon as the facts and circumstances warrant, consistent with the terms of such contract and the laws and regulations applicable thereto.

(c) Waiver by President; national interest special circumstances for waiver of particular agreements

The requirements of this section may be waived, in whole or in part, by the President with respect to a particular contract or subcontract, in accordance with guidelines set forth in regulations which he shall prescribe, when he determines that special circumstances in the national interest so require and states in writing his reasons for such determination.

(Pub. L. 93-112, title V, § 503, Sept. 26, 1973, 87 Stat. 393.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 721 of this title.

§ 794. Nondiscrimination under Federal grants

No otherwise qualified handicapped individual in the United States, as defined in section 706(6) of this title, shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

(Pub. L. 93-112, title V, § 504, Sept. 26, 1973, 87 Stat. 394.)

EX. ORD. NO. 11914. NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

Ex. Ord. No. 11914, Apr. 28, 1976, 41 F.R. 17871, provided:

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including section 301 of title 3 of the United States

Code [section 301 of Title 3, The President], and as President of the United States, and in order to provide for consistent implementation within the Federal Government of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) [this section], it is hereby ordered as follows:

Section 1. The Secretary of Health, Education, and Welfare shall coordinate the implementation of section 504 of the Rehabilitation Act of 1973, as amended [this section], hereinafter referred to as section 504 [this section], by all Federal departments and agencies empowered to extend Federal financial assistance to any program or activity. The Secretary shall establish standards for determining who are handicapped individuals and guidelines for determining what are discriminatory practices, within the meaning of section 504 [this section]. The Secretary shall assist Federal departments and agencies to coordinate their programs and activities and shall consult with such departments and agencies, as necessary, so that consistent policies, practices, and procedures are adopted with respect to the enforcement of section 504 [this section].

Sec. 2. In order to implement the provisions of section 504 [this section], each Federal department and agency empowered to provide Federal financial assistance shall issue rules, regulations, and directives, consistent with the standards and procedures established by the Secretary of Health, Education, and Welfare.

Sec. 3. (a) Whenever the appropriate department or agency determines, upon all the information available to it, that any recipient of, or applicant for, Federal financial assistance is in noncompliance with the requirements adopted pursuant to this order, steps to secure voluntary compliance shall be carried out in accordance with standards and procedures established pursuant to this order.

(b) If voluntary compliance cannot be secured by informal means, compliance with section 504 [this section] may be effected by the suspension or termination of, or refusal to award or continue, Federal financial assistance or by other appropriate means authorized by law, in accordance with standards and procedures established pursuant to this order.

(c) No such suspension or termination of, or refusal to award or continue, Federal financial assistance shall become effective unless there has been an express finding, after opportunity for a hearing, of a failure by the recipient of, or applicant for, Federal financial assistance to comply with the requirements adopted pursuant to this order; however, such suspension or termination of, or refusal to award or continue, Federal financial assistance shall be limited in its effect to the particular program or activity or part thereof with respect to which there has been such a finding of noncompliance.

Sec. 4. Each Federal department and agency shall furnish the Secretary of Health, Education, and Welfare such reports and information as the Secretary requests and shall cooperate with the Secretary in the implementation of section 504 [this section].

Sec. 5. The Secretary of Health, Education, and Welfare may adopt rules and regulations and issue orders which he deems necessary to carry out his responsibilities under this order. The Secretary shall ensure that such rules, regulations, and orders are not inconsistent with, or duplicative of, other Federal Government policies relating to the handicapped, including those policies adopted in accordance with sections 501, 502, and 503 of the Rehabilitation Act of 1973, as amended [sections 791, 792, and 793 of this title], or the Architectural Barriers Act of 1968 (42 U.S.C. 4151 et seq.) [section 4151 et seq. of Title 42, The Public Health and Welfare].

GERALD R. FORD.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 31 section 1242.